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## **WOMAN'S ROLE IN PLANNED ECONOMY**



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*National Planning, Its Principles and Administration.*

**K. T. Shah.**

NATIONAL PLANNING COMMITTEE SERIES

**WOMAN'S ROLE**  
IN  
**PLANNED ECONOMY**

*(Report of the Sub-Committee)*

*Chairwoman*

Rani LAKSHMIBAI RAJWADE

*Secretaries*

Shrimati MRIDULA SARABHAI

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*Edited by*

K. T. SHAH

*Honorary Secretary*

NATIONAL PLANNING COMMITTEE

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To  
All Those  
**MEMBERS OF THE NATIONAL PLANNING COMMITTEE**  
and of  
Its Various Sub-Committees  
**A TRIBUTE OF APPRECIATION**

**प्रारब्धमुत्तमजना न परित्यजन्ति**

**PERSONNEL OF SUB-COMMITTEE ON WOMAN'S  
ROLE IN PLANNED ECONOMY**

*Chairwoman*

**Rani Lakshmibai Rajwade**

*Secretary*

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## PREFACE

The National Planning Committee appointed in 1938, began its work early in 1939. After defining the nature of a National Plan, and determining the nature and scope of the work entrusted to them, the Committee issued an elaborate and comprehensive questionnaire which was subsequently supplemented by specific details. Twenty-nine Sub-Committees, formed into eight groups were set up with special terms of reference to deal with all parts and aspects of the national life and work in accordance with a predetermined Plan.

After some unavoidable delay in getting replies to the Questionnaire, the Sub-Committees began their work, and submitted Reports,—some of them Final, some Interim,—which were considered at Plenary Sessions of the Parent Committee in 1940. Towards the end of that year the Chairman, Pandit Jawaharlal Nehru, was arrested and sentenced to a long term of imprisonment, during which the work of the Committee had necessarily to be suspended.

On his release a year later, hope revived for an intensive resumption of the Committee's work. But the outbreak of war with Japan, the threat to India's own safety, and hectic march of political events, rendered it impossible to devote any attention to such work at that time. It, therefore, inevitably went into cold storage once again; and remained for the duration of the war.

When at last the War seemed nearing its end, Pandit Jawaharlal Nehru with other leaders was released. The moment seemed again opportune to resume the work of

the Planning Committee. Meetings of that Body were held in September and November 1945, when certain more urgent questions, already included in the programme of the National Planning were given a special precedence. A Priority Committee was appointed to report upon them. Changes and developments occurring during the War had also to be taken into account; and another Committee was appointed to review the general instructions, given six years earlier to the Sub-Committees. Revised instructions were issued to them following the Report of this Sub-Committee; and the Chairmen and Secretaries of the several Sub-Committees were once again requested to revise and bring, up to date, such of the Reports as had already been submitted—either as final or interim—while those that had not submitted any reports at all were asked to do so at an early date.

As a result, many of the Sub-Committees which had not reported, or had made only an Interim Report, put in their Reports, or finalised them. The Parent Committee has had no chance to review them, and pass resolutions on the same. But the documents are, by themselves, of sufficient value—prepared as they are, by experts in each case, to be included in this series.

The following Table shows the condition of the Sub-Committee's work, and the stage to which the Planning Committee had reached in connection with them.

**Group I. Agriculture & other Sources of Primary Production**

1. Rural Marketing and Finance
2. River Training and Irrigation

Part I  
Part II

3. " " " "
4. Soil Conservation and Afforestation
5. Land Policy and Agriculture
6. Animal Husbandry and Dairying
7. Crop Planning and Production
8. Horticulture

Fisheries

**Group II Industries or Secondary Sources of Production**

1. Rural and Cottage Industries
2. Power and Fuel
3. Chemicals
4. Mining and Metallurgy
5. Engineering Industries
6. Manufacturing Industries
7. Industries connected with Scientific Instruments

**Group III Human Factor**

1. Labour
2. Population
3. Exchange and Finance
4. Trade
5. Industrial Finance
6. Public Finance
7. Currency and Banking
8. Insurance
9. Public Utilities
10. Transport
11. Communications
12. Social Services-Health and Housing
13. National Housing
14. Public Health
15. Education
16. General Education
17. Technical Education
18. Woman's Role in Planned Economy

**Group IV**

**Group V**

**Group VI**

**Group VII**

**Group VIII**

Handbook Pp.	Handbook Pp.
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To sum up, fourteen Sub-Committees had made final reports, of which ten have been considered, and Resolutions taken upon them, by the National Planning Committee. Twelve more have presented Interim Reports, of which nine have been considered by the Planning Committee, with Resolutions thereon, while three Sub-Committees have not yet presented any report on the reference made to them.

The idea that all this material, gathered together with the help of some of the best brains in India in the several departments of our national life, should be printed and published was before the Committee from the start. But the interruption caused by the war prevented its realisation. It was once again mooted in 1941; but the moment was not deemed ripe then for such action, partly because the leading spirits in almost every one of the Sub-Committees were unable to devote time and labour to bring their Reports up-to-date; and partly also because war-time restrictions or shortages had made scarcer than ever before the statistics and other facts, which particular sub-committees would need, to bring their work up-to-date. The War time needs of Government had attracted several of them to work on Government Bodies, Panels, or Committees. For all these reasons it was deemed undesirable that material of this character—valuable as it must be—should be put out in an incomplete, inchoate, obsolete form, which may reflect unfavourably upon Indian capacity for such tasks.

The last four years of the War were thus a period of suspended animation for the National Planning Committee. Even after the end of the war, it has not been feasible for obvious reasons, for the Planning Committee to resume its work and finalise decisions. Continuous Sessions of that body are indispensable for considering and taking decisions on the Sub-Committee reports presented since 1940, and putting all the material into shape, ready for publication, not to mention making its own Report; but the political situation in the country made it impossible. Other conditions, however, are somewhat more favourable than in 1938-39, when the Central Government of the country were all but openly hostile to such attempts. Lest, however, the momentary difficulties make for needless further delay, it was thought advisable by the Chairman and the undersigned that no more time should be lost in putting this material before the Public. Following this advice, it is now proposed to bring out a complete Series of the National Planning Committee's Sub-Committee Reports, which will

serve as appendices to the Parent Committee's own Report. The Plan of the proposed enterprise is briefly summarised below.

Every Sub-Committee's Report, which is in a final form and on which the National Planning Committee has itself taken resolutions, will be edited and published, with an Introduction assigning their due importance to the suggestions and recommendations contained in that particular report, its proper place in the over-all National Plan; and following it up, wherever necessary, by a kind of Epilogue, summarising the developments that have taken place during the seven years, during which the work of the Planning Committee had been in suspension.

Those Reports, again, which, though in a final form, have not yet been considered, and no resolutions taken thereon, by the Planning Committee, will also be included in the Series in the form in which they were submitted, with such Introduction and Epilogue to each as may be deemed appropriate. And the same treatment will be applied to Reports which are 'Ad Interim', whether or not the Parent Committee has expressed any opinion on the same. They will be finalised, wherever possible, in the office, with such aid as the Chairman or Secretary of the Sub-Committee may be good enough to render. Sub-Committees finally, which have not submitted any Report at all,—they are very few,—will also find their work similarly dealt with. The essence, in fine, of the scheme is that no avoidable delay will now be suffered to keep the National Planning Committee's work from the public.

Both the Introduction and the Epilogue will be supplied by the undersigned, who would naturally be grateful for such help as he may receive from the personnel of each Sub-Committee concerned. The purpose of these additions is, as already stated, to assign its true place to each such work in the overall Plan; and to bring up the material in each Report to date, wherever possible.

Not every Sub-Committee's Report is sufficiently large to make, more or less, a volume by itself, of uniform size, for this Series. In such cases two or more Reports will be combined, so as to maintain uniformity of size, get-up, and presentation of the material. The various Reports, it may be added, would not be taken in the order of the classification or grouping originally given by the Planning Committee.

tee; nor even of what may be called the intrinsic importance of each subject.

In view of the varying stages at which the several Reports are, for reasons of convenience, it has been thought advisable to take up for printing first those which are final, and on which the Planning Committee has pronounced some resolutions. Printing arrangements have been made with more than one Press, so that two or three Reports may be taken simultaneously and published as soon as possible so that the entire series may be completed in the course of the year.

Two other Sub-Committees not included in the list of Sub-Committees given above, were assigned special tasks of (1) preparing the basic ideas of National Planning; and (2) outlining the administrative machinery deemed appropriate for carrying out the Plan. These were unable to function for reasons already explained. The present writer has, however, in his personal capacity, and entirely on his own responsibility, published the "Principles of Planning" which attempt to outline the fundamental aims and ideals of a National Plan which remains to be considered by the Planning Committee. Similarly, he has also attempted to sketch an administrative machinery and arrangements, necessary to give effect to the Plan, when at last it is formulated, and put into execution. Notwithstanding that these two are outside the Scheme outlined in this Preface, they are mentioned to round up the general picture of the arrangements made for publication of the entire work up-to-date of the National Planning Committee and its several Sub-Committees.

The several volumes of Sub-Committee Reports, when published, will be treated as so many appendices to the Report of the parent body, the National Planning Committee. It is impossible to say when that Committee, as a whole, will be able to hold continuous sessions, review and resolve upon Sub-Committee Reports which have not yet been considered, and lay down their basic ideas and governing principles for an all over Plan, applicable to the country, including all the facts of its life, and all items making up the welfare of its people.

The disturbed conditions all over the country, and the Labour unrest that has followed the end of the War has caused unavoidable delays in printing and publishing the

several volumes in the series, which, it is hoped, will be excused.

In the end, a word of acknowledgment is necessary to put on record the aid received by the Editor in the preparation and publication of this Series. All those who are associated in the task,—members of the Parent Committee, or as Chairmen, Secretaries or Members of the various Sub-Committees, have laboured wholly, honorarily, and consistently striven to give the best that lay in them for the service of the country. Almost all Provincial Governments and some States,—the latter twice in some cases,—have made contributions towards the expenses of this office, which have been acknowledged and accounted for in the Handbooks of the Planning Committee, published earlier. Suitable appreciation of these will be expressed when the Parent Committee makes its own Report. At almost the end of its task, the expenditure needed to edit, compile, and otherwise prepare for the Press, the several Reports, has been financed by a Loan by Messrs. Tata Sons Ltd., which, even when repaid, will not diminish the value of the timely aid, nor the sense of gratitude felt by the undersigned.

The appendices to this report have been omitted from this volume to keep its size similar to that of other volumes in this series. A great deal of very useful material, laboriously collected and embodied in a number of Appendices, has had to be omitted, not only because of the need to keep the series as nearly uniform in all its Volumes as possible, but also because of the material having become in many instances obsolete. Circumstances permitting, this material will, at some future date, be brought upto date and published in a separate volume.

Bombay,  
1st July, 1947. }

**K. T. Shah**

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## INTRODUCTION

The Sub-Committee on **Woman's Role in Planned Economy** was appointed to deal with the place of woman in the planned economy of India, including consideration of her social, economic and legal status, her right to hold any property, carry on any trade, profession or occupation, and remove all obstacles or handicaps in the way of realising an equal status and opportunity for woman."

In particular the Sub-Committee was to concern itself with

- "(a) the family life and organisation, and woman's employment in the house, and the change therein in recent years;
- (b) marriage and succession, and the laws governing these;
- (c) the conditions of industrial employment of women, and the protection of working women in mines, factories, plantations, workshops and cottage industries, as well as in domestic employment and retail trade;
- (d) social customs and institutions which precluded woman from taking her full share in India's planned economy;
- (e) the types and methods of appropriate education to enable her play her due role in household work, in the professions, and social and national services; and
- (f) any other question connected therewith."

This Report considers the entire structure of Planned Economy with Woman as the focus. On the ground of examining the socio-economic position of woman, the Sub-Committee has reviewed every field in which woman operates, or should operate, to contribute her share of the nation's wealth and the people's well-being. While considering principally the material aspect of Woman's Role in Planned Economy, the cultural or spiritual position of woman under a National Plan, and its reaction on the nation's life and work, is by no means ignored. The Report, accordingly, gives a full-sized profile of the entire system as it would be when planned economy on a national scale

comes into operation. Given the definition of the National Plan as a simultaneous advance on pre-determined lines and pre-conceived objectives on all fronts of the national life—social as well as economic, material as well as cultural,—consideration of the place of woman in all these respects becomes inevitably the consideration of the entire national life and all its activities.

The position of woman in this country, no matter from what standpoint one considers it,—social, economic, political or cultural,—leaves much to be desired from the standpoint of those who believe in the fundamental equality of all human beings, and freedom of the individual as a citizen or an economic unit. Freedom, it is true, is relative; and deeply conditioned by the demands of a modern industrialised community, with infinite division of labour among its members, and the inevitable intensive and close co-operation it necessitates. Notwithstanding the many and radical differences between the several communities making up the mass of the Indian people, in regard to their outlook on life, its purpose, and woman as an integral part of the community, the influence of the predominant majority—the Hindu population,—inevitably told upon the other communities as regards their modes of life and relations inter se. Whatever the governing ideal and fundamental outlook on such matters of each of the principal communities in accordance with the tenets of its religion, and, therefore, on the social fabric of each such community, woman's role, place or function, was deeply coloured by the influence of the corresponding ideals and outlook of the majority.

It is, therefore, quite in the fitness of things to take woman's position in this country to be more or less the same in all communities, notwithstanding all the radical differences between the several communities in the basic ideal or the actual practice in daily life wherever such differences manifest themselves.

One outstanding and intriguing fact of the problem is that, numerically speaking, woman forms the largest single minority in the country. Being based on biological differentiation fixed by Nature, this is an ineffable minority, and so differs radically from all other minorities—religious or political—which cry aloud to high heavens about their rights or grievances. Looking at the censuses ever since the regular census began to be taken in this country, it is evident that there are more female children per every thousand births in the country than males. Notwithstand-

ing this initial majority, after about the fifteenth year, the woman's numbers begin to fall, till in the aggregate she becomes a striking minority in the proportion of somewhere about 17 to 18. The decline in the numerical proportion of women several years after birth is, no doubt, due to the unwritten convention of man-made social system, in which woman's life has been held to be relatively cheaper than that of man. More attention has consequently been paid to the care, health, and strength of male children than to the female. The intense poverty of the people is also responsible for a higher rate of mortality amongst married women between 15 to 45 years of age. For the incidence of repeated child-birth at short intervals and as a consequence of comparatively earlier marriage, than may be quite consistent with the maintenance of the health and strength of woman, takes a heavy toll of her life. The reformer's zeal has, no doubt long since realised these handicaps of the Indian Social System and National Economy. But the remedies proposed to give woman her due place and importance in the scheme of things seem to have hardly touched the veriest fringe of the problem. They are at best palliatives; at worst provocation to the orthodox and the reactionary who can easily prop up and hold out in their falling bastions.

The consciousness of her rights,—or rather of her wrongs,—has dawned upon woman in India in quite recent years. And then, too, it is confined to a microscopic minority who scarcely raise an echo in the national heart when they plead for the Rights of the Sex. Woman is herself ignorant, superstitious, hide-bound in the chains of superstition mis-called Religion. She is victim of many a custom or convention that may have no warrant in any Religious text; but which, by the mere might of age-old inertia, has become harder to break than any injunction of religion. She is, therefore, still her own best enemy in any campaign against usage that denies her freedom or equality, or opportunity to realise the purpose of her being.

As the Questionnaire appended to this Report will show, the Sub-Committee has viewed the problem of Woman's place and function in the national life from every angle from which it requires to be considered. The personal status of woman and her opportunities for maintaining that status,—including her right to own, hold or use property, carry on any trade, profession or calling, or join any occupation; her place and privileges as member of the



Family,—both on the father's and on the husband's side,—and in such institutions as Marriage or the Joint Family,—are all carefully examined. It would be needless repetition to go over or summarise the Sub-Committee's findings or recommendations on any of those matters in this Introduction. Suffice it to observe that, in each of the aspects in which the Report considers woman's place in planned economy, the Sub-Committee have suggested remedial measures which, when carried out, are calculated effectively to bring the position in line with that of any other civilised country in the world.

At the time the Sub-Committee started its work, woman's position and prospects were, in almost every respect, utterly unenviable. We have already noted above the fact of her being in a numerical minority. The handicap of that minority has been intensified out of all proportion because of the economic disabilities and cultural backwardness of woman. For instance, the proportion of women barely literate,—that is, scarcely able to read and write a simple letter in one's own language,—was about 1 in 50 or 2 per cent. The corresponding proportion in the case of men was somewhere about 1 in 5 or about 20 per cent. This is poor for both—for the country as a whole; but still it is worse for woman. Before the citadel of superstition in regard to the place or function of woman in the domestic as well as the national life, could be battered, this appalling illiteracy must become a thing of the dead and buried past. The Sub-Committee has fully realised the importance of an intensive programme of education, which no Plan can ignore. Similarly, before the stranglehold of such institutions as Marriage or the Joint Family, which place woman at a long disadvantage in the mere struggle for existence, could be relaxed, Woman must attain economic emancipation.

Under the existing social order, girls could not be and were not educated to any decent level by parents, as education is a costly luxury in this country; and any money spent on the education of daughters would be a mere waste. For girls, however well educated and brought up, would ultimately go into another family by marriage; so that anything spent on their education would, from the economic viewpoint be a bad investment. Unless and until, therefore, the State takes upon itself the primary obligation of every civilised community to provide, at the community's expense a pre-determined standard of education and training, and not merely to make woman literate, as a basic right

of model Citizenship,—an inescapable obligation of the State towards its citizens,—any hope of real and rapid progress in the place and work of woman must be abandoned. And so long as woman remains backward, illiterate, suppressed and enslaved, the country as a whole can make no progress. Lincoln's immortal words, "This country cannot progress, half free, half slave" were never more truly applicable than in the case of India.

Similarly, the health as well as the economic status of woman in the community will not be improved, unless and until the very foundations of the prevailing Social Order are re-cast; and the entire outlook is radically changed. The chances of many of the reforms suggested by the Sub-Committee would be extremely slender, unless the National Planner takes this bold, broad view of the problem. The conversion, for example, of the institution of Marriage for a woman from a lifelong or eternal sacrament among the Hindus and those who imitate them, entailing perpetual widowhood on the woman whose husband dies before her, into a Civil Contract between equal partners, of a monogamous character, and dissoluble on identical grounds at the instance of either party, would involve a change in the entire outlook and rooted beliefs of very large sections of the Indian people, which, without a corresponding progress in education and enlightenment, is hardly to be thought of. Even the Muslim, who theoretically conceives of marriage as a Civil Contract, has become tainted by his contact with the Hindu; and practically abrogated the woman's right to divorce. The ground he urges is specious, though Quranic; since "of all things not actually forbidden, Divorce is the least pleasing in the eyes of God".

Something similar holds true in respect of property and opportunity. The rights of Woman as member of a Joint Family are not at all on a footing of equality with those of the male members of the same family among the Hindus, and their example is, in effect if not in name, copied by other communities. The Muslims accord a more liberal position to Woman in this regard. But, taken collectively, the basic position would need to be very radically changed before Woman can become a really equal member of the family. The entire legal system particularly places woman at a disadvantage in regard to holding or owning property by birth, or acquiring it by inheritance. Though attempts have been made in recent times to reform it, it forms a most material obstacle in the way of full emanci-

pation of woman, and her status as a real equal with man. The crux of the situation lies, indeed, in the economic position of woman, her right to own or hold or inherit or acquire property; carry on any trade, profession or vocation; or accept any remunerative employment. So long as this fundamental right is not fully conceded, and actually realised in daily life, all talk of relief, remedy or reform would be just hot wind.

While, however, the country remains so backward, and its resources undeveloped, or developed partially or *ad hoc*, without any co-ordinated system, the chances of woman acquiring economic independence, and, as its consequence, real social equality, are very slight. The overwhelming might of grinding poverty is common to both man and woman in India. But woman suffers more, perhaps, because of the absence of any recognition of such work as woman does all over the country in the field or in the household, or in occupations connected therewith. Members of family are unpaid workers, whose labours and contribution may be of the utmost value in the individual as well as the aggregate national economy. But no account is taken nor allowance made in the family any more than in the National Budget. House-work done by women,—cooking, washing, looking after children,—is as much a part of the nation's wealth as any other form of employment, whether for man or woman. Anyone doing any useful work should be recognised, irrespective of sex, age or relationship. Equal pay for equal work is a doctrine, which, however, is still more honoured in profession than in practice. Even for work where both men and women workers are paid, the latter are paid on a distinctly lower scale as in the Medical or Educational Service. There are, again, several branches of Public Service from which women are expressly or in effect excluded, even though theoretically men and women are equal citizens of the same Commonwealth. There are independent avenues of gainful employment, moreover, where, because of the ties of family, incidence of repeated maternity, or the relentless burden of house-work,—not to mention the lack of appropriate education and training, woman is necessarily unable to enter and much less compete on equal terms with man.

All these cases reinforce the urgency of a comprehensive programme of national development, wherein every citizen, man or woman, would be assigned his or her rightful place and work, so as to enable each to contribute his

or her quota to the commonwealth. In a sane scientific Plan there would be no place for parasites—male or female. Work in proportion to one's ability, aptitude or training would be the only claim to social status, and opportunity for self-expression.

So long, moreover as the basis of property exists and is recognised by law; and there is no planned provision of organised work for all, the disabilities due to sex in respect of property will be a heavy handicap against woman. They must, therefore, be rectified. Even if absolute equality in the matter of inheritance is deemed not necessary, the injustice now done to woman among the largest section of people in India, in that she is thoroughly denied the rights of property in her own right, must be remedied.

Finally, the political status of woman needs equal recognition along with the social or economic place assigned to her by law or usage. In a Democracy, such as we may now claim India to be, the people collectively are sovereign. Every member of the people must, therefore, necessarily claim to be part of that sovereign authority. This part is exercised normally by the right to vote at periodical elections to the Legislature and the Executive, and so influence the policy and working of the Government of the country, through the chosen representatives of the people. This reorientation, even if it does not bring instant relief to woman in many of the cases mentioned above, would nevertheless impart to her a growing consciousness of her place and realisation of the importance of her work. This cannot but give her, in harmony with the changed outlook regarding citizenship, its rights and obligations in a modern civilised community, a full realisation of her own potentiality.

This consciousness of Woman's' proper place in the social system, and her real role in the country's planned economy has come, though it is naturally still in its infancy. In the earliest manifestations of this consciousness in Western Industrialised countries, it almost threatened to become a War of the Sexes. The occurrence, however, of a world war on a global scale demonstrated beyond question the close inter-dependence of all classes and sections of the people in a modern community; and so facilitated the progress of Woman's emancipation which is being rapidly advanced in this country.

Democracy has been late in coming in this country. But all present indications point to its being rapidly ad-

pation of woman, and her status as a real equal with man. The crux of the situation lies, indeed, in the economic position of woman, her right to own or hold or inherit or acquire property; carry on any trade, profession or vocation; or accept any remunerative employment. So long as this fundamental right is not fully conceded, and actually realised in daily life, all talk of relief, remedy or reform would be just hot wind.

While, however, the country remains so backward, and its resources undeveloped, or developed partially or *ad hoc*, without any co-ordinated system, the chances of woman acquiring economic independence, and, as its consequence, real social equality, are very slight. The overwhelming might of grinding poverty is common to both man and woman in India. But woman suffers more, perhaps, because of the absence of any recognition of such work as woman does all over the country in the field or in the household, or in occupations connected therewith. Members of family are unpaid workers, whose labours and contribution may be of the utmost value in the individual as well as the aggregate national economy. But no account is taken nor allowance made in the family any more than in the National Budget. House-work done by women,—cooking, washing, looking after children,—is as much a part of the nation's wealth as any other form of employment, whether for man or woman. Anyone doing any useful work should be recognised, irrespective of sex, age or relationship. Equal pay for equal work is a doctrine, which, however, is still more honoured in profession than in practice. Even for work where both men and women workers are paid, the latter are paid on a distinctly lower scale as in the Medical or Educational Service. There are, again, several branches of Public Service from which women are expressly or in effect excluded, even though theoretically men and women are equal citizens of the same Commonwealth. There are independent avenues of gainful employment, moreover, where, because of the ties of family, incidence of repeated maternity, or the relentless burden of house-work,—not to mention the lack of appropriate education and training, woman is necessarily unable to enter and much less compete on equal terms with man.

All these cases reinforce the urgency of a comprehensive programme of national development, wherein every citizen, man or woman, would be assigned his or her rightful place and work, so as to enable each to contribute his

or her quota to the commonwealth. In a sane scientific Plan there would be no place for parasites—male or female. Work in proportion to one's ability, aptitude or training would be the only claim to social status, and opportunity for self-expression.

So long, moreover as the basis of property exists and is recognised by law; and there is no planned provision of organised work for all, the disabilities due to sex in respect of property will be a heavy handicap against woman. They must, therefore, be rectified. Even if absolute equality in the matter of inheritance is deemed not necessary, the injustice now done to woman among the largest section of people in India, in that she is thoroughly denied the rights of property in her own right, must be remedied.

Finally, the political status of woman needs equal recognition along with the social or economic place assigned to her by law or usage. In a Democracy, such as we may now claim India to be, the people collectively are sovereign. Every member of the people must, therefore, necessarily claim to be part of that sovereign authority. This part is exercised normally by the right to vote at periodical elections to the Legislature and the Executive, and so influence the policy and working of the Government of the country, through the chosen representatives of the people. This reorientation, even if it does not bring instant relief to woman in many of the cases mentioned above, would nevertheless impart to her a growing consciousness of her place and realisation of the importance of her work. This cannot but give her, in harmony with the changed outlook regarding citizenship, its rights and obligations in a modern civilised community, a full realisation of her own potentiality.

This consciousness of Woman's' proper place in the social system, and her real role in the country's planned economy has come, though it is naturally still in its infancy. In the earliest manifestations of this consciousness in Western Industrialised countries, it almost threatened to become a War of the Sexes. The occurrence, however, of a world war on a global scale demonstrated beyond question the close inter-dependence of all classes and sections of the people in a modern community; and so facilitated the progress of Woman's emancipation which is being rapidly advanced in this country.

Democracy has been late in coming in this country. But all present indications point to its being rapidly ad-

vanced and fully established in real daily life at an early date. That democracy would fail to achieve its purpose if and so long as woman is debarred from any economic or cultural rights, privileges or obligations of equal citizenship. Equal opportunity is now guaranteed to all citizens of India; and there is no reason to doubt the guarantee will fail to be implemented. Woman, will, therefore, have soon an equal chance with man to realise to the full whatever potentiality she may have in her to serve the community.

The Sub-Committee has accordingly made in every Chapter constructive suggestions, intended and designed to relieve and improve the position of women in every one of those cases. They involve matters of law, as well as of custom or practice. It would be no inconsiderable part of the National Plan to recast the entire legal system founded on positive law, custom harder than law or usage from time immemorial; and so remedy the social and economic hardships of woman, without which any hope for the progress of the community as a whole would be a delusion.

Before ending this Introduction, a word may be added in regard to the method of treatment followed by this Sub-Committee. An exhaustive Questionnaire was prepared and circulated by the Sub-Committee to all Women's Organisations in the country and to several of its local correspondents specially set up for the purpose. This enabled it to define inquiry and gather very substantial material on specific issues. In every Province and in each important State, the Sub-Committee organised affiliations, which helped it to make a fairly thorough survey of the local conditions, which are not uniform all over this vast country. The results made an immense roll of data which were put together in the Appendix. It is omitted from this volume partly because the statistical portion at least has become out-of-date; and partly also because of fear of its bulk outrunning all proportions. Specific issues were next raised, arising out of the Questionnaire and replies received thereto. These were discussed at several sessions of the Sub-Committee; and the opinion there crystallised found its way eventually in the Report. Though the scope assigned to this Sub-Committee was vast, its handling of the problem set to it was no less courageous and exhaustive. The Members of almost every Sub-Committee have worked as devotedly as they were disinterested. To single out any Sub-Committee for special mention may, therefore, seem invidious. There is only one justification for this paragraph: While the per-

sonnel of almost every other Sub-Committee was made up of people claiming special knowledge of the subject or personal experience, this Sub-Committee was formed, largely, of women who might, without injustice, be described as lay persons. They were, no doubt, highly educated, and distinguished in the public life of the country by their service or sacrifice; but not all of them could claim personal expertise on all the variety of topics falling within the scope of this Sub-Committee. The results are nevertheless such as would do credit to any body of experts; and that is the only justification for the writer to make such a special mention, which, he hopes, will be found to be neither invidious nor impertinent.

K. T. SHAH.



## **SUB-COMMITTEE ON WOMAN'S ROLE IN PLANNED ECONOMY.**

The Sub-Committee consisted of the following members: 1. Smt. Lakshmibai Rajwade (Chairman); 2. Smt. Sarojini Naidu; 3. Begum S. Hamid Ali; 4. Smt. Amrit Kaur; 5. Smt. Vijayalakshmi Pandit; 6. Smt. Radhabhai Subbarayan; 7. Smt. Vidyagouri Nilkanth; 8. Smt. Sushama P. K. Sen; 9. Smt. Perin Captain; 10. Smt. Lilavati Roy; 11. Mrs. Zarina E. Currimbhoy; 12. Begum Shah Nawaz; 13. Smt. Saraladevi; and 14. Smt. Mridula Sarabhai (Secretary).

By the 2nd September 1939, the following were co-opted as members of the Sub-Committee to make it more representative: 1. Joint Secretary, Smt. Perviz Dubash; Members: 2. Smt. S. C. Mukherjee; 3. Smt. Rameshwari Nehru; 4. Smt. Lavanyalata Chanda; 5. Smt. Anasuya Gyanchand; 6. Begum L. A. Rehman; 7. Smt. Jethi Sipahimalani; 8. Smt. Karunadevi Parmanand; 9. Smt. Indirabai Bhagwat; 10. Smt. Hansa Mehta; 11. Smt. Taraben Maneklal Premchand; 12. Smt. Durgabai Joshi; 13. Dr. Muthulaxmi Reddi; 14. Smt. A. V. Kuttiammalu Amma; 15. Smt. D. Barkat Rai; 16. Smt. Kapila Khandwalla; and 17. Smt. Godavari Gokhale.

The following subsequently resigned: 1. Smt. Amrit Kaur; and 2. Smt. Sushama P. K. Sen. Another member, Begum L. A. Rehman, did not respond at all to our invitation and hence was considered as having resigned.

At its meeting held on the 15th December 1939, the Sub-Committee co-opted the following as members in the vacancies caused: 1. Begum Aruna Asaf Ali; and 2. Smt. Pushpalata Saikia. Begum Khadija Yakub Hassan, who was co-opted later on in the place of Begum L. A. Rehman also did not respond to our invitation to work as a member.

# REPORT

## INTRODUCTION

On the 16th June 1939, the National Planning Committee appointed the Sub-Committee on Woman's Role in Planned Economy. The terms of reference to the Sub-Committee were as follows:

"This Sub-Committee will deal with the place of woman in the planned economy of India, including consideration of her social, economic and legal status, her right to hold property, carry on any trade, profession or occupation and remove all obstacles or handicaps in the way of realising an equal status and opportunity for woman.

"In particular it will concern itself with:

- (a) the family life and organisation, and woman's employment in the house, and the change therein in recent years;
- (b) marriage and succession and the laws governing these;
- (c) the conditions of industrial employment of women and the protection of working women in mines, factories, plantations, workshops and cottage industries as well as in domestic employment and retail trade;
- (d) social customs and institutions which preclude women from taking her full share in India's planned economy;
- (e) the types and methods of appropriate education to play her due role in household work, in the profession and in social and national services; and
- (f) any other questions connected therewith."

The terms of reference are very comprehensive and deal with every aspect of the woman's life and work. They touch the entire life of the nation. In a scheme of planned economy for the whole nation it is natural that this should be so. Woman has at least the same interest in planning as man has. In some respects this interest is deeper and more special to her. She has suffered in the past and still labours under disabilities which must be removed before she can take her proper share in the social life of the community. She has special problems and duties which require adjustment in the social scheme. She is even more perhaps than man a guardian and trustee of future generations.

Planning, as we understand it, is fundamentally a co-ordinated effort to raise the National Standard of Life to a higher level. This may partly be done by economic changes; but it requires a sound social structure where the individual is the unit and is assured of his or her fundamental rights. Apart from the obvious fact that there can be no effective planning of a Nation's Economy with half the population\* left out of it, it is essential that woman should have her proper place in the scheme of things, and that she should be considered as an individual, and should have the same rights as man. If freedom and equality are the bases of human development, woman must share in them. As John Stuart Mill said: "A mere consciousness a woman would have of being a human being, like any other, entitled to choose her pursuits, urged or incited by the same inducements as any one else, to interest herself in whatever is interesting to human beings, entitled to the share of influence on all human concerns which belong to an individual

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\* The following table gives the total population of India (Males and Females) according to the Census of 1931.

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	Males.	Females.
India .. .. .	181,828,928	171,008,855
Provinces .. .. .	180,981,556	181,595,377
States & Agencies ..	41,897,367	89,413,478

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1931, Census Report, Vol. III.

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opinion.....this alone would effect an immense expansion of the facilities of their moral sentiments.”\*

It follows, therefore, as a natural corollary that woman should be recognised as an equal unit in the social order with man, and that she should gain the same political rights, civic and legal status, social equality and economic independence.

In 1931 the Indian National Congress issued its famous declaration of fundamental rights which made the position of woman clear and gave her in theory complete equality with man. It was welcomed by all women's organisations in the country and we gladly give it our full endorsement. The declaration reads as follows:

“All citizens are equal before the law, irrespective of religion, caste, creed or sex.

“No disability attaches to any citizen, by reason of his or her religion, caste, creed or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.”†

This is the background against which we have set our terms of reference and from which we embark upon our labours. Planning and co-operative effort are of course common features of our daily life, both in the household as well as in larger spheres of activity. But the word as recently used has some special features and in that sense it is a modern concept. Ordinarily it is used in an economic sense, and its objectives have been defined as efficiency of production, stability of economic life, and equality of distribution.‡ It was felt, however, that the human aspect was of great importance and must also be considered. The idea of planning has now spread to social and cultural spheres as well.

The women's movement in India, though comparatively recent, has already made its mark. Beginning with the isolated efforts of a few individuals for social reform, it has gradually developed into a conscious desire for human development on equal terms. Politically woman's advance

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\* J. S. Mill : *The Subjection of Women*, pp. 155-156.

† N. P. C. Handbook No. 1, pp. 2-3.

‡ “Planning under a democratic system may be defined as the technical co-ordination, by disinterested experts, of consumption, production, investment trade and income distribution in accordance with social objectives set by bodies representative of the Nation. Such planning is not only to be considered from the point of view of economics and the raising of the standard of living, but must include cultural and spiritual values and the human side of life.” (*Red Book I*, p. 77.)

has not met with the opposition which it has encountered in some of the Western countries. Many women, though not as many as we would wish, have got the vote in India, whereas women in some advanced Western countries are still dis-franchised. The national movement in India has helped the cause of women in this respect, and so, fortunately, the political conflicts between man and woman, so common in the West, as evidenced in the struggle for the vote, have not taken place in India.

Owing to the participation of women in the political movement\* and through the work of various women's organisations, many ancient beliefs are undergoing a change and a degree of understanding and an appreciation of the difficulties she has to face in her effort for equal citizenship is growing in the public mind. But the fact remains that the freedom of woman has still to be achieved. This freedom means an entire reorganisation of life. For, woman cannot be free until the means and training for economic liberty have been assured to her, and until the functions which nature and society impose on her are organised in such a way that while fulfilling them woman still retains the right to mould her social and economic life in any way she chooses.

To facilitate collection of data regarding the present condition of woman in India, a comprehensive questionnaire† in English was issued by the Sub-Committee and widely circulated all over India through (a) provincial workers' groups created by the Sub-Committee in the provinces and in some of the important States; (b) the central, provincial and State governments; (c) various existing women's institutions and other institutions interested in women's problems; and (d) prominent workers in the social, economic, legal, educational and political fields. The questionnaire was also translated into Hindustani (Urdu and Devanagiri scripts), Gujarati, Bengali, Kanarese, Marathi and Oriya.

The replies to the questionnaire in the form of reports from individuals,‡ Provinces and States filtered in slowly and finally a summary of all the replies to the questionnaire received up-to-date from the Provinces and States was made in the form of a consolidated reply to each ques-

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\* See Appendix I—Political Movement and Women.

† See Appendix II—Questionnaire.

‡ See Appendix III—List of Replies received to the Questionnaire.

tionnaire. The consolidated summary of replies was circulated to all the members of the Sub-Committee for approval. It is now incorporated into the main report in the following manner. Whatever information, opinions, customs, etc., are common to all the provinces, we have incorporated in the text of the report. Whatever is individual or peculiar, we have attached by means of footnotes and appendices. Further details of methods adopted to deal with the work of the Sub-Committee are explained in the Appendix Method of Work.\*

We would like to note here that we have not been able to get sufficient information from the States. There are a number of States and conditions in each of them vary. Laws passed for the amelioration of the condition of women do not exist in most of the States and the condition of women in such States is far from satisfactory.

As stated in the note of the Chairman of the N. P. C. issued for the guidance of the Sub-Committees:

"A complete scheme of Planned Economy is a vast undertaking requiring full information and data and the willing co-operation of the technical experts, industrialists, administrators and the public at large. It is a progressive scheme being continually adjusted to changing conditions and always taking advantage of the experience gained in its working. The N. P. C. is obviously not in a position to draw up such a complete scheme nor does it intend to do so at this stage. What is intended now is to lay the foundation of a Planned Economy on which the future structure can be built. But even at this stage the full picture must be envisaged, a complete outline drawn up which can be filled in later as opportunity comes and further materials are available."†

There is a serious lack of statistics, investigation and research, specially in regard to women's position and condition. Except vital statistics and a few educational and industrial statistics, there is no foundation of facts to proceed with: and hence in some places personal investigation by the Workers' Groups was undertaken, but unfortunately the response was not satisfactory.

We are grateful for the help received from our Provincial Workers' Groups during the very short time at their disposal, but we are unable at this stage to build a struc-

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\*See Appendix IV—Method of Work and Provincial Workers' Groups.

† Red Book No. 1, p. 82.

ture of any firmness on the foundations supplied to us in the shape of data. In the circumstances we could only lay down the main principles on which a structure may be built when full material is available. The work of the Sub-Committee may be regarded as no more than a frame work of principles. The Sub-Committee leaves it to the National Planning Commission or any other such permanent body to investigate into the details and to find out ways and means of fulfilling the principles and suggestions that are contained in this report.

In the world today great changes are taking place; and, we are told, that this is a period of transition; so also in India where a new order is being born, not only political but also social and economic. Present day problems thus require a full consideration of our social conditions and national planning must include them in its scope. The change from what is old and established to something new and untried always contains an element of danger. This fact is very evident in the realm of woman and requires special care on the part of the planning authority so that the new measures adopted are effective and do not become obstacles in the way of advance. We have, therefore, referred in our report to such a period in order to bridge the gulf between existing conditions and what might seem at first glance to be drastic recommendations for the future.

We have touched in this report upon subjects which are delicate and controversial, as the very nature of this work had demanded a scrutiny of all problems connected with the social order. An essential characteristic of our time is the rational application of scientific thought and experience to all vital problems; and it is in this spirit, desirous of finding practical solutions, that we have tried to approach each subject. The recommendations made by us follow mostly the lead given by our provincial Workers' Groups and express, so far as we have been able to ascertain, the sentiments of a large section of the thinking public.

A final word of assurance in regard to the relation which our plan will bear to the Indian woman. Circumstances have altered so radically in recent years that the old frame no longer fits the new picture, and hence it has become necessary to make some changes. This does not imply condemnation. It merely seeks to make the system more fitted for the task before it by an effort of conscious planning. It is not our desire to belittle in any way those traditions, which have in the past, contributed to the happi-

ness and progress of the individual, and have been the means of raising the dignity and beauty of Indian womanhood and conserving the spiritual attributes of the Indian Nation. We do not wish to turn woman into a cheap imitation of man or to render her useless for the great tasks of motherhood and nation-building. But in demanding equal status and equal opportunity, we desire to achieve for woman the possibility of development under favourable circumstances of education and opportunity, and while so doing, urge upon the State its responsibility towards women in this respect.

We would like to displace the picture so deeply impressed upon the racial imagination of man striding forward to conquer new worlds, woman following wearily behind with a baby in her arms. The picture which we now envisage is that of man and woman, comrades of the road, going forward together, the child joyously shared by both. Such a reality we feel cannot but raise the manhood and womanhood of any nation.

Finally the Sub-Committee would like to record its thanks to all the various friends who have co-operated with us in this work.

The Sub-Committee especially wishes to record its thanks to Shri Jawaharlal Nehru, the Chairman of the National Planning Committee for the co-operation, understanding, and sympathy which he has given to the Sub-Committee. We desire to express to Prof. K. T. Shah, the Hony. General Secretary of the N. P. C., our gratitude for the valuable assistance he has given us throughout our work. Our sincere thanks are due to the Convenors and Workers who have assisted the Sub-Committee in their laborious and tedious tasks of collecting information and data. Their ready assistance has been of great help to the Sub-Committee, and without the investigations carried on so enthusiastically by these Workers' Groups, the Report would have lost much of its importance.

We would also like to acknowledge here our indebtedness to the Provincial and States' Governments for their goodwill and co-operation in the work of the Sub-Committee. The following governments helped:

**Provincial:**

- |                                  |            |
|----------------------------------|------------|
| 1. North-West Frontier Province. | 5. Orissa. |
| 2. Punjab.                       | 6. Bombay. |
| 3. United Provinces.             | 7. Sind.   |
| 4. Bihar.                        | 8. C. P.   |



**States:**

- |               |                   |
|---------------|-------------------|
| 1. Baroda.    | 8. Aundh.         |
| 2. Banswara.  | 9. Ichhalkaranji. |
| 3. Phaltan.   | 10. Sangli.       |
| 4. Khairpur.  | 11. Gwalior.      |
| 5. Kashmir.   | 12. Mysore.       |
| 6. Hyderabad. | 13. Travancore.   |
| 7. Bhopal.    |                   |

Last, but not least, our thanks are due to the following who have helped us by way of advice or by actually assisting in the collection and preparation of statistics on the various problems we have discussed:

1. Shri Mangaldas Pakwasa, Bombay; 2. Shri M. Y. Nurie, Bombay; 3. Shri V. V. Joshi; 4. Shri V. V. Giri, 5. A. A. A. Fyzee, Bombay; 6. Prof. D. C. Ghosh, Lahore; 7. Dr. J. M. Kumarappa, Bombay; 8. Shri G. P. Hutheesingh, Jt. Secretary, N.P.C.; 9. Shri K. D. Guha, Ex. Jt. Secretary, N.P.C.; 10. Shri M. V. Venkateswaran, Officer-in-charge, League of Nations, Indian Branch, New Delhi; 11. Shri Vasant K. Shah, Bombay; 12. Smt. Pupulben Jayakar, Bombay; 13. Shri Utsavabhai Parikh, Ahmedabad; 14. Smt. Sarojini M. Desai, Bombay; 15. Smt. Manorama M. Desai, Bombay; 16. Smt. Pramodaben Gosalia, Bombay; 17. Shri Rasiklal Umedchand Parikh, Bombay; 18. Shri Gautam Sarabhai, Ahmedabad; 19. Shri Ramanlal Patel, Bombay.

## SECTION ONE

### INDIVIDUAL STATUS

Whatever might be the form of social organisation as emerges out of the plan, the basic principle underlying should be: equal status for man and woman in respect of civic, economic and political rights. But a mere theoretical enunciation of this principle is not enough if in practice opportunities are lacking. The two fundamental aspects of a woman's life—the individual and social—constitute the two main sections of our analysis, viz., individual status and social status.

Woman's civic rights, the economic position, the property rights she enjoys and educational qualifications, all these combine to give to woman a complete individuality and self-sufficiency. We shall, therefore, examine these aspects under this section.

## CHAPTER I

### CIVIC RIGHTS

The individual in India has little or no conception of his duties to the State. The State on the other hand has not discharged its duty to the individual. This lack of harmonious co-operation between the two has led to the lowering of civic ideals and has been harmful alike to the individual, the community and the State. In order to help woman to become a useful citizen and productive worker, she must be assured of her fundamental rights. They are:

1. The right to education;
2. The right to work (hours of work, adequate wages, security, training, etc.);
3. The right to freedom of association;
4. The right to property;
5. Equality of rights and obligations arising out of marriage;
6. The right to franchise;
7. The right to an identical moral standard;
8. The right to health; and
9. The right to leisure.

We have only made a passing reference to the first five, as they will be dealt with fully in the Chapters that follow.

#### **The Right to Franchise**

The present franchise for women as provided in the Government of India Act of 1935\* is unsatisfactory. The three All India women's organisations in India had demanded adult franchise based on a system of joint electorates of all men and women. This was turned down as impracticable. The main reasons given were administrative difficulties, inability on the part of Indian men to come to an agreement over the communal problem, and the fact that in the opinion of the Government existing social conditions made too rapid an advance dangerous. It was also against the express wish of these organisations that special seats

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\* See Appendix I—Franchise under the Govt. of India Act, 1935.

were reserved for women. (See Table I). They felt that woman could contest on equal terms with men. And their belief was justified as the following figures show.

**LIST OF WOMEN ELECTED TO THE PROVINCIAL LEGISLATURE**

**TABLE I**  
**To Fill Seats Not Reserved for Them.**

Province.	Number of women elected.	Name of Legislature.	Name of Constituency.
Madras .. ..	1	Assembly.	General-Rural.
Bombay .. ..	1	Council.	City General
United Provs. ..	1	Council.	Muhammadan Rural.
United Provs. ..	7	Assembly.	All General Rural.

(Compiled from "Return Showing the Results of Elections in India, 1937." A Government of India publication.)

In the Central Assembly as at present constituted under the Government of India Act 1919, there is one woman member who has come in from a general constituency.

Woman has been deprived of her inherent right of citizenship and the vote of the conservative section, generally opposed to progressive reform, has been doubled by giving the woman a vote not in her own right as an individual, but as a wife.\* The additional voting qualifications granted have themselves proved a handicap and will reduce the number of women enrolled.

It was feared that the Indian woman would not go to the polls in exercise of her civic right. This fear was not, however, well founded as the figures in Table III show.

### Recommendations

We fully endorse the declaration of the Fundamental Rights of Citizenship in India made by the Karachi Session of the Indian National Congress in 1931 to which we have already referred in our Introduction.

1. "All citizens are equal before the law, irrespective of religion, caste, creed or sex.

\* The percentage of total male electorate to the total adult male population is about 45% and similarly of women 8.9%. The position of the women's electorate is roughly 2,000,000 qualified by property, 4,000,000 by wifehood and 3,000,000 by education. Persons possessing double qualifications such as wifehood and ownership of property, etc., are included in these figures separately under different heads and so the total number seems to be 9 million instead of 6 million.

2. "No disability attaches to any citizen, by reason of his or her religion, caste, creed, or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling."\*

TABLE II

## Distribution of Seats for Women : Provincial Assemblies.

With the exception of the North West Frontier Province, seats have been reserved for women in the following manner :

Province	Total seats.	Women's seats.	Remarks.
Madras .. ..	215	8	6 General, 1 Muslim, 1 Ind. Xian.
Bombay .. ..	175	6	5 " 1 " "
Bengal .. ..	250	5	2 " 2 " 1 Anglo-- Indian.
U. P. .. ..	228	6	4 " 2 " "
Punjab .. ..	175	4	1 " 2 " 1 Sikh.
Bihar .. ..	152	4	3 " 1 " "
C. P. & Berar ..	112	3	3 " .. ..
Assam .. ..	108	1	1 " .. ..
N. W. F. P. ..	50		
Orissa .. ..	60	2	2 " .. ..
Sind .. ..	60	2	1 " 1 " "

Madras, Bombay, Bengal, United Provinces, Bihar and Assam have Provincial Legislative Councils. In these no seats have been reserved for women.

(From the Indian Year Book, 1939-40, p. 871.)

3. "The franchise shall be on the basis of universal adult suffrage."†

4. Woman shall have the right to vote, to represent and the right to hold public offices.§

### An Identical Moral Standard

One of the greatest disabilities the Indian woman suffers from, under the present social order is the difference in the standard of morality for men and women. Society ostracizes woman for any moral lapse while the man is allowed to escape for the same offence. We believe in a high standard of morality but we also believe that the standard should be the same for both. We, therefore, recommend that an identical standard of morality be insisted on for

\* See Red Book No. 1, pp. 1-2.

† See Red Book No. 1, p. 2.

§ Two Indian women became Ministers in the Provincial Cabinet—U. P. and Assam—when the popular Provincial Government came into power under the Indian Act of 1935.

TABLE III

Numbers of Women Voters in Elections to Both Reserved and Unreserved Seats.

Province.	Number enrolled	No. enrolled in contested constituencies	No. who voted.	Percentage of column 4 on column 3
1	2	3	4	5
<b>Legislative Assemblies.</b>				
Madras .. ..	1,584,784	1,523,248	479,278	31.5
Bombay .. ..	335,890	305,750	129,535	42.4
Bengal .. ..	970,033	896,588	46,758	5.2
United Provs. ..	520,380	494,752	95,553	19.3
Punjab .. ..	189,105	173,459	58,216	33.56
Bihar .. ..	299,044	215,490	17,037	7.9
C. P. Berar ..	263,331	259,750	63,744	24.5
Assam .. ..	45,366	29,680	8,678	29.23
N. W. F. P. ..	4,895	4,895	3,498	71.4
Orissa .. ..	79,208	70,526	4,670	6.62
Sind .. ..	32,668	27,940	9,705	34.7
<b>Legislative Councils.</b>				
Madras .. ..	2,796	2,578	1,420	55.1
Bombay .. ..	1,755	1,636	923	56.4
Bengal .. ..	3,673	2,136	437	20.5
U. P. .. ..	2,262	1,684	598	35.5
Bihar .. ..	1,060	882	594	67.34
Assam .. ..	1,127	559	512	91.57

From Return Showing the Results of Elections in India 1937. Govt. of India Press, 1937. Page 14.

both man and woman—one that harmonizes social welfare with individual freedom.

## Racial Health

Protection of the health of the individual man or woman is an obligation of the State and the State should take all necessary steps for the prevention and cure of such diseases as impair the health of the nation. This question of national health is a wider question and will be dealt with by the Health Sub-Committee. We would, however, like to emphasise the fact that woman as mother of the race requires special protection of the State. She has to suffer for the sins of others and any effect on her health has a more direct bearing on the health of the child she brings forth. The importance of her health, therefore, must be recognised if at all we wish to ensure the health of the race.

We would like the Health Sub-Committee to bear this in mind while chalking out a programme for the ensurance of a physically and mentally healthy race. This programme will aim at:

A. The gradual eradication of such diseases as cause the degeneration of the race. Some of these diseases are venereal diseases, tuberculosis, leprosy and certain mental disorders. The State should prevent these diseases from spreading. This can be done by forbidding propagation by persons so afflicted until these diseases are cured and secondly by providing free treatment, and where isolation is necessary, complete isolation for these cases until a cure results. In order to achieve this aim we recommend:

- (i) the granting of medical certificates before marriage to both parties;
- (ii) the sterilisation of the unfit under strictest medical advice and care, in circumstances to be laid down by the State; and
- (iii) the disposal of the embryo strictly for reasons of the mother's health and where the pregnancy is the result of rape, assaults, etc.\*

B. The establishment of a nationalised health service, which will work through a series of health stations with a network of dispensaries, maternity homes and hospitals all over the country. Provision should be made for specialised care of all diseases in hospitals and for after-care which should be given through clinics, sanatoria and rest houses and maintained by local bodies and provincial governments.

C. A well-planned society in which it will be the right of every woman to receive the care and attention necessary at the time of child-birth. The programme will provide for trained midwives to help women where maternity homes are not available. Appendix No. 3† gives a comparative statement of infant mortality in various countries. The figures for India as can be seen are appalling. It is essential, therefore, that maternity homes should be established in rural as well as in urban areas. There should be at least one maternity bed established for every thousand of the population. Every woman should be entitled to free service in these homes at the time of childbirth. The health programme should include the establishment of a chain of maternal welfare centres‡ which will give all the necessary

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\* See Appendix 2.—Provincial Opinions on Racial Health.

† See Appendix 3—Rate of Mortality.

‡ See Appendix 4—Maternal Welfare Centres.

information to women and include pre-natal and post-natal clinics. These will be in charge of women doctors with special knowledge of maternity and child-welfare.

D. The gradual replacement of the indigenous Dai by fully qualified midwives within the course of the next ten or fifteen years. The indigenous Dai has done a great deal of harm even after the training she has received from the various institutions to-day. She is not a suitable person to conduct confinements.

E. The emphasizing of the importance of nutrition to good health. The value of correct diet ought to be explained to every woman. The health programme should include the establishment by the State of research centres where food values can be worked out so that it may be possible to introduce correctly balanced diets in every home.

F. The establishment of a national service of housing which will ensure to every citizen a house to live in with a minimum cubic space, light, air, and sanitation. But while the private ownership of housing exists, the State should lay down the minimum requirements and fix the rent of houses in both rural and urban areas. Not much has been done so far to tackle the housing problem in this country with the result that houses have been built anyhow without any due regard to principles of health. Bad housing has led to the spread of diseases and thus has proved to be one of the causes of the high rate of infant and maternal mortality.\* It is, therefore, very essential to lay down rules and regulations for the proper housing from the point of view of public health.

G. A scheme of social insurance, contributed to by the State and the individual. This should include benefits in case of temporary disability, sickness, accident, pregnancy and childbirth, assistance for the care and nursing of the new-born, child sickness benefits and old-age pensions.

### **The Right to Leisure:**

Every human being is entitled to a certain amount of leisure for self-development. The effect of routine tasks performed monotonously each day has deadening effect on the individual, reducing his or her capacity to contribute to national progress. This applies equally to those women who being tied down to daily drudgery in their homes do not have enough time to try to understand outside activities or to

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\* We are informed that women suffer from eye diseases due to lack of chimneys and the prevalence of skin diseases is due mostly to lack of water for washing and lack of sanitary arrangements.



educate and adapt themselves to every-changing conditions. Some leisure is, therefore, a necessity.

### (a) National Timings

There is at present no regular home life in India. Hours for work and meals vary in every home.\* If woman is to play her full role in planned economy some kind of regularity in home life is necessary. We, therefore, suggest that there should be a cessation of all work during the day at a fixed hour so that the midday meal can be conveniently taken and the housewife released from the duties of the kitchen.

### (b) Co-operative Services

For the woman worker, this can be assured through certain well-organised co-operative services such as restaurants, laundries, etc., under the management of local bodies. The need for creches is an urgent one and will also prove beneficial in the case of the elder children of the family who are often kept away from school to look after the smaller children while the mother is out.

### (c) Creches

At present in India the idea of creche is associated only with industrial labour. In that sense it will be dealt with in the Chapter on Economic Rights. Creches, we advocate here, are creches for all women whatever the nature of their work, whether it be at home or employment outside the home. The State must provide for the maintenance of creches and nursery schools through a scheme of social insurance where mothers may leave their children during hours they want leisure. In some countries these creches and nursery schools form a part of their basic education scheme.† All creches must be in charge of women specially trained for the purpose. The mother who leaves the child should feel that it will receive care in no way inferior to that which it might receive at home. This alone would give the mother the confidence to leave the child in the creche. Creches are of various types to suit the needs of the parents and children who use them, and also the conditions and requirements of the locality in which they are established.

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\* In most homes the meal hours vary as follows :  
 Morning meal from 9-30 a.m. to 2 p.m.  
 Evening meal from 5-30 p.m. to 11 p.m.  
 (The Jains generally dine before sunset.)

† See Appendix 5—Pre-Basic Education in other countries.

As a rule a creche is a day nursery open during working hours only. In some advanced countries of the West creches are open during the evenings also in order to enable the mothers to attend adult classes, meetings, etc. Whole time creches and nurseries are necessary, especially when the mother is ill and is taken to the hospital or when the mother is advised rest on health grounds or change of environment.

#### **(d) Recreation**

The State must realise the importance of recreation parks and playgrounds and gymnasiums. Fresh air and a place of relaxation and recreation is necessary and its absence leads to ill health. It is the civic right of every individual to expect from the State suitable parks and open spaces in the city where they may spend their leisure and preserve the health necessary for carrying on their work efficiently.

We recommend that local bodies should undertake this work within a specified time.

#### **Nationality**

The question of nationality is a wider issue and the N.P.C. will discuss it in all its aspects. We, however, would recommend that every person born in India, whether in the provinces or Indian states, should be regarded as an Indian citizen. Women should have the right to choose their own nationality in the event of their marrying a non-national. Persons born of alien parents in India, however, should have the right on reaching majority, to choose their nationality.

#### **Children's Charter**

We take up the question of the Children's Charter of Rights in this section because, firstly, the future woman is the child to-day. And whatever affects the child to-day will, therefore, affect the woman; and secondly, the rights of the child as an individual are so linked up with the individual rights of his parents. The entire future of the child depends on the treatment he receives at home from his parents but more specially from his mother. The State can give him all protection; but the State cannot give him the affection he badly needs at the initial stages of his growth. In the new social order that we envisage the picture will not be complete unless side by side with the figure

of a free woman we draw the figure of a radiant child with his rights fully realized. It is, therefore, but right that we should end this chapter with the enunciation of the rights of the Child.

That the child is an individual and his rights have not been so far recognised in most parts of the world. In India comparatively speaking, we are far, far behind other countries in this recognition. The sooner, however, the fact is realized all over the world, the better it will be for mankind. Every child, we believe, whether born in wedlock or out of wedlock, is born with certain rights. He has a right to education, to health, to protection from abuse, neglect, economic exploitation and moral hazard. We have discussed in subsequent chapters problems on child education, child labour, child marriage, etc. As a result of our investigation of these problems, we feel that the Indian child badly needs help and protection from the State. In this connection we refer to the Children's Charter of Rights\* enacted in America and we recommend that a similar charter be adopted for the Indian child. In the meanwhile we draw the immediate attention of the State to the following:

1. Orphans generally and more specially girls are liable to exploitation. They require special protection from the State during the period of transition. We recommend that all orphans should be registered; and that both in urban and rural areas they should be under the protection of an officer or "guardian" who will see that no exploitation takes place.

2. Children are frequently bound down by parents and guardians to life-long commitments before they have attained the age of majority and the very nature of the commitments is not understood by them. Child marriage, dedication to temples, etc., are instances in point. We recommend a legislation to be passed whereby every child who is shouldered with such a burden should, on reaching the age of majority, be given a choice whether he wishes to abide by the commitment or to end it.\*\*

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\* Appendix 6—Children's Charter of Rights in America.

\*\*Kerala suggests that : No child should be obliged to state who its father is as a mark of identification or in filling a form or making a declaration in order to save the stigmatisation of illegitimate children.

U. P. : Amongst other recommendations suggests the abolition of all kinds of corporal punishments.

It has been suggested that the system of family allowance as prevailing in other countries, especially England, should be introduced in India, or at least in the industrial cities.

## CHAPTER II

### ECONOMIC RIGHTS

#### **Economic Activities**

The right to work is a claim to something more fundamental than the mere chance of earning an independent income. Woman's economic utility has been accepted in certain fields of labour, but with her growing desire for the responsibilities of equal citizenship, the more intellectually alert and ambitious women are demanding a fuller opportunity for their powers.

Woman's economic independence raises questions far more serious than the mere removal of a legal bar. Before she can be recognised as a separate unit in the economic structure certain problems will have to be tackled:

- (a) The question of ensuring equal opportunities which implies the opening of avenues of employment, provision for training and the practical recognition of the right to equal wages for equal work;
- (b) The problem of security and of protection of the wage earner from exploitation by the control and regulation of general conditions of work such as hours of work, wages, dismissals, etc., and the assurance to the woman wage earner of exclusive control of her own earnings;
- (c) The problem of organisation;
- (d) The problem of reconciling economic activity with family life and care of the child; and
- (e) The problem of overcoming social prejudice against woman's entry in all spheres of economic activity.

The wage earners in India may be roughly classified into agricultural workers, non-agricultural workers, workers employed as general labourers and in a variety of small industries, trades, etc., and workers in organised industries.

Of the total number of workers in India, nearly one-third are women. The number of women gainfully employed in agricultural and industrial pursuits is about 25 per cent of the total number following these occupations. Out of a total female population of about 180 million, about

50 million are wage earners, i.e., nearly half the adult female population are wage earners. Of these 50 million, more than half are engaged in agriculture and about one-fourth in domestic service. The number in industries is nearly 5 million out of a total of 15 million industrial workers. To most of these earning is an economic necessity. The number is comparatively far smaller in liberal arts, and learned professions due to lack of education and educational facilities.

TABLE IV.  
Occupational Table.

Occupation.	Total following occupation.	Actual Workers.			% of female workers to total workers.
		Male.	Female.	Total.	
Production of raw materials	111,164,586	74,700,585	28,939,854	103,640,439	28.0
Preparation & Supply of material substances ...	29,639,471	18,682,341	6,924,615	25,606,956	27.5
Public administration and Liberal arts ...	2,724,166	1,986,260	323,881	2,310,141	13.0
Miscellaneous ...	23,203,489	7,917,432	12,601,208	20,518,640	61.0
Total ...	166,731,712	103,286,618	48,789,558	152,076,176	32.0

(From Statistical Abstracts, 15th issue, page 64.)

The following avenues of employment are at present open to women:

### For the Mass of Women

Employment in rural and urban areas is more or less identical as shown in the combined list, the differences being in the nature of the employment which may be of subsidiary character in rural areas and of a full-time character in urban areas.\*

1. Cattle rearing, dairy and marketing of milk products.†
2. Cow dung cake making.‡
3. Cottage industries.

\* See appendix 7.—Occupational Distribution.

† In some provinces there are special castes like Rabari, Gwalis and Edyan etc., where the main work is done by women, including the marketing of the products.

‡ For list see note on "Cottage Industries."

4. Preparing raw food-stuff materials, grinding, pounding, etc.
5. Spinning yarn and helping in cloth weaving.
6. Coolies.\*
7. Masonry work.
8. Road making.†
9. Stone breaking.
10. Grain and foodstuff dealers.
11. Betel, fruit, vegetable and flower sellers.‡
12. Dais, trained and untrained.
13. Cloth dealers.
14. Fish mongers.
15. Domestic service:
  - (a) Cooks.
  - (b) Maids.
  - (c) Sweepers.
  - (d) Water carriers.
  - (e) Coolies for gardening.
  - (f) Washerwomen.
  - (g) Part time helpers in household work.

**Rural:**

1. Sowers.
2. Weeders.
3. Reapers.
4. Cleaners.
5. Bird scarers.
6. Winnowers.
7. Carriers.
8. Rush and firewood gatherers.

**Urban:**

1. Factory labourers.
2. House building.
3. Bangle sellers.
4. Hawkers.
5. Dealers in fuel; raw and prepared foodstuffs.§
6. Potteries.¶
7. Means of transport.
8. Articles of luxury.
9. Building materials like preparing tiles, bricks, etc.
10. Cloth shopping.
11. Prostitutes.

**For the Educated:**

1. Doctors.
2. Nurses.

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\* Railways give no licences to women for working as coolies.

† Municipal rules do not permit the employment of women for this form of work. Yet women work.

‡ In some parts there are special communities who do only this work like in Gujarat, where they are known as Malis, and it is more or less a monopoly with them.

§ In Gujarat and Khandesh they are called Modi and Dhanji respectively.

¶ Kumbhar in Gujarat. Men and women carry on the trade together.

3. Compounders.
4. Lawyers.
5. Teachers in:
  - (a) Primary Schools; (b) Secondary Schools;
  - (c) Normal Schools; (d) Vocational Schools;
  - (e) Pre-basic Schools; and in Colleges—professional, non-professional and technical.
6. Managers.
7. Superintendents.
8. Secretaries.
9. Accountants.
10. Typists.
11. Canvassers, Commission and Insurance Agents.
12. Statistical Field Workers.
13. Welfare workers.
14. Government officers.
15. Honorary Magistrates.
16. Magistrates in Juvenile Courts.
17. Police (Preventive staffs such as excise, customs, vigilance and C.I.D.)
18. Dress making and tailoring.
19. Embroidery.
20. Millinery.
21. Telephone companies, post office.
22. Priests.
23. Florists.
24. Shop assistants.
25. Beauty specialists.
26. Masseuses.
27. Actress—theatres, cinema, film industry.
28. Journalists.
29. Engineering.
30. Conjurers.
31. Reciters.\*
32. Courtesans.

In trade, as in all other branches of employment, we find that custom does not permit Hindu and Muslim women of the middle classes from engaging in any retail shop keeping, trade or any such part of whole time employment. In spite of this outlook, a few women are gradually finding employment as insurance agents and film actresses. Some women have entered the economic field as owners of commercial establishments.

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\* This list is not comprehensive.

Amongst Christians, women are found employed in cities and large towns as typists, secretaries, hotel managers, telephone girls, hair dressers, modistes, shop girls and beauty culture experts, etc.

No such bar of custom and prestige exists amongst women of the lower Hindu and Muslim classes who are found engaged in retail shop keeping, hawking vegetable and milk products, in running eating houses and in helping their husbands to run small hotels. In many cases this work is done as a subsidiary occupation by women owning and cultivating land.

The difficulties that arise out of this form of employment are considerable. The scattered nature and diversity of work renders any form of organisation difficult. Added to this are the long hours of work and the comparative meagre wages.\*

\* *Bombay*: Care must be taken that as numbers entering commercial enterprises increase, so trade unions are brought into existence and workers are organised. Minimum demands of employees should be:

- (i) Raising school leaving age;
- (ii) Provision for higher technical education with decently paid jobs guaranteed after training;
- (iii) Holidays with pay and provision for leave without pay;
- (iv) Trade unions to regulate conditions; and
- (v) Adequate housing accommodation with compulsory sanitary arrangements.

*Hyderabad*: Few shopkeepers and these few sell cigarettes. Others hawk vegetables and for a 8-9 hour day earn 3-4 annas a day.

*U. P.* Women not employed in hotels and restaurants but frequently found in stores for foodstuffs. In Benares there are about 400 vegetable sellers. Women hawkers and shopkeepers earn about Rs. 45 a month. Wares sold on the roadside excepting groceries and bamboo which are sold from shops for which rents are about Rs. 3.4.0 and where conditions are unhygienic.

Name of article sold.	Hours of work.	Earnings per day.
Pan and bidi .. ..	8 a.m.—8 p.m.	As. 8—Rs. 2
Vegetables .. ..	8 a.m.—5 p.m.	2—As. 8
Ghee .. ..	8 a.m.—8 p.m.	Rs. 2—Rs. 3
Cane and bamboo .. ..	8 a.m.—4 p.m.	As. 8—Rs. 2
Sweetmeats .. ..	7 a.m.—8 p.m.	4—2
Clay toys and Potteries .. ..	8 a.m.—5 p.m.	4—As. 12

*Madras*: Hawking and retail shop keeping should be recognised as a distinct economical category. The work is done by women owning and cultivating land. Number is decreasing due to false notions of prestige. Education and training necessary to convince them of dignity of work.

Retail shopkeeping — Less than 20 per cent are women.

Hawking — More than 50 per cent are women.

Vending — More than 60 per cent are women.

Retail shopkeeping includes vegetables, fruits, flowers, toys, pan, eating shops, toiletry, bangles, pottery, fish, baskets, winnows.

Hawkers and Vendors: Sell dairy products, vegetables, roots, peas, nuts, brooms, cow-dung cakes, hay, tender cocoanuts, fruits, eatables, clothing, oil, ghee.



**Public Service:**

Under the provisions of the Government of India Act of 1935 a clause has been inserted that a person shall not be disqualified by sex from being appointed to any Civil Service or Civil post under the Crown in India other than such services or posts as may be qualified by any general or special order made to that effect by the Governor-General, the Governor of a province or the Secretary of State. Under this provision the following services have been debarred to women.

1. Indian Civil Service.
2. Indian Forest Service.
3. Indian Medical Service.
4. Indian Police Service.
5. Indian Audit & Accounts Service.
6. Railways and Aviation.

In actual practice certain other services are also restricted, viz., judicial services which are closed to women except as honorary magistrates. Women magistrates also sit in Juvenile Courts. Under the Commissioner of Railways, smaller posts such as lady doctors, and nurses in Railway hospitals, teachers in railway schools, stenographers, booking clerks, ticket collectors, ayahs and sweepers in railway-waiting rooms are open to women. In the postal department women are employed only as telephone girls.

**Reservations:**

We now come to the question whether any occupation should be either legally prohibited or be set apart for women. From replies received from the provinces we find a diversity of opinion on the question.

While some sections believe that preferential treatment is not in keeping with the demand for equal rights and responsibilities others feel that in order to counterbalance the legislation forbidding night work and work in mines to women, certain other employments should be reserved for them, viz., teaching in primary schools, nursing, etc.

We believe that it would be undesirable to advocate such a step. Woman's demand today is for equal rights and opportunities. Therefore, the question of preferential treatment cannot arise.

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Earnings vary from 2½ annas to Rs. 1-4-0 per day.

Hours of work—Practically whole day with no proper leisure or time to devote to domestic work or purchases for next day.

All the same we feel that all women's institutions especially residential, should employ only women as supervisors, secretaries, etc.

**Recommendations:**

No impediments should be placed in the way of women holding public office or employment which might in effect prevent women from taking their full and equal share in civic duties and obligations. They should, however, be eligible in the same way as man and on the same conditions for all grades and branches of public service, employment, and in the pursuit of trades and professions.

**Problems of the Wage Earner:**

Women workers in India can be mostly divided into two main groups—the masses or those engaged in manual and industrial labour, and the educated women or those engaged in the liberal professions.

In both rural and urban areas women belonging to the former group, whether married, unmarried or widows, have been recognised as instruments of labour; and a fairly large proportion of them are found engaged in all types of manual labour, domestic, agricultural and industrial occupations side by side with men. This labour is not recognised as a separate unit of production but forms a corporate part of the family work.

The majority of middle class women look to marriage and maternity as their ultimate goal. Employment for wages among this group carries with it a certain stigma, and is regarded more as an interim period of waiting rather than a career. This half-hearted attitude to vocations renders difficult the recognition of woman's position in the economic sphere. The total proportion of women from the educated middle classes in employment, including widows, unmarried women, and separated and deserted women, is very small.

**Employment of Married Women:**

Instances of married women earning are comparatively rare. It is still difficult for a young couple to start life with both partners earning.\* The struggle is an uphill and un-

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\* In some provinces and States as Maharashtra, Malabar, Madras, Bengal, Gujarat, and some parts of South India and Bombay Province it has become a common feature for some married women to earn an independent livelihood.

equal one against a social system which makes practically no provision for a married woman to seek an independent economic existence. It results, in a large number of cases, in the abandonment of all efforts at wage earning even at the risk of increasing grave financial burdens in the home caused by small incomes. In some places special efforts have been made to check married women from taking jobs.\* There is a danger of this attitude to the employment of married women spreading to women workers in industry.

We find a tendency amongst most people interested in the cause of labour to advocate the throwing out of work married women, and the recruiting of men in their place. Apart from the fact, that to be economically free, an independent income is a necessity, it has been found in most countries that it is becoming increasingly difficult for the whole family to live on the husband's wage alone.

Many women in India are forced to earn a living to save themselves and their families from starvation. This is particularly so amongst deserted women and widows who are forced through dire need to seek employment. No enquiry has been made in India into this problem and so it is not possible to back our remarks with the necessary figures. But a census of nearly 12,000 families in six industrial sections of Philadelphia† showed that the majority of families, i.e. 55 per cent relied on income from other wage earners or from lodgers. 728 working mothers questioned as to why they had gone to work replied as follows:

"My husband was not making enough"	(29%)
"My husband was dead"	(22%)
"My husband was sick"	(14%)
"My husband left me"	(13%)
"He could not support me"	(11%)
"I had rather work"	(11%)

We recommend that no further attempts should be made to stop married women workers from earning an in-

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\* The Madras Government in 1940 has decided to employ unmarried women and widows without children as steno-typists and telephone clerks in the city of Madras including the Secretariat and excluding the Judicial Department. If they get married after appointment they have to leave their posts.

In Bombay no disability attaches to the employment of women typists in the Secretariat; a large number are employed as typists and at least three are working as Assistant Superintendents. The system was introduced about 20 years ago.

† From 'Women in Industries,' U. S. Dept. of Labour, Women's Bureau, Bulletin No. 164.

dependent wage; and an investigation should be carried on to collect information on the above lines.

### **Special Causes of Unemployment:**

The question of unemployment is one of the major problems which faces us. It cannot be considered from the narrow viewpoint of the woman wage-earner alone, if a solution of the problem is to be arrived at in the interests of the nation. Certain causes however exist which react on the woman worker alone; and hence we deal with them here so that special steps may be taken towards their solution.

1. In some places on the pretext of rationalisation women wage earners have been thrown out of work, and in their place new men have been recruited; or the work has been divided amongst men workers already employed who are given increased wages for the more work they are required to do.

2. Certain occupations and industries have been banned to women on the plea of their health.

3. Special legislation like maternity benefit acts, provision of creches, etc., under the Factories Act, which are at present being financed by the employers on the basis of the number of women employees. This extra liability of the women workers has resulted in the tendency not to employ women in order to avoid the extra cost.

4. Under the Factories Act Creche Scheme, it has been laid down that if a child suffers from an infectious disease it cannot be admitted to the creche. This results in the wage-earning mother having to remain absent in order to look after the child during its illness. Such absence leads to loss of the job.

5. Victimisation of women wage earners by male jobbers and superior officers.

6. Rules for night work require changing of shifts of workers at specific periods. Night work in factories is prohibited to women. Hence to comply with this rule employers prefer to employ men even during the day.

### **Recommendations:**

We recommend that:

1. Whatever the policy the National Planning Committee adopts in respect of rationalisation, they should safeguard the interests of women, and see that rationalisation is not effected on grounds of sex and that any provi-

sions made for allaying the unemployment resulting from such rationalisation shall be for all wage earners irrespective of sex.

2. Any steps taken to protect the health of the women workers should not be considered as for their exclusive benefit only, but as taken in the interests of the whole nation. Hence due provisions should be made to see that women workers are not victimised or that their position does not deteriorate further by reason of the measures taken for their protection.\*

3. Sickness insurance of industrial labourers should include benefits in cash in cases of maternity as well as child sickness. Due provision should be made in the leave rules for a woman worker to get leave on the ground of the sickness of her child. It should also be provided for in the rules that the above provision is not made a ground for dismissal.

4. No occupation should be prohibited to women unless an alternative scheme of employment is provided by law for those thrown out of work as a result of such prohibition.

5. The jobber system should go and educated women supervisors should be employed to look after the welfare of the women workers.

\* Protection of Women's Right to Employment or to Compensation for loss of Employment. (From The Law and Woman's Work, an I. L. O. Publication, Geneva 1939).

*Argentina*: (South America) Infringement of the Federal Act concerning the employment of women and children is punishable by fines of 50 to 1000 pesos, which are doubled for a second offence.

*Cuba*: (West Indies) Legislation contains a rather unusual clause to the effect that the proceeds of fines for breach of the regulations concerning the employment of women shall be paid into the working women's maternity insurance fund, thus providing the fund with an additional source of income.

Legislation provides in various ways for protection against dismissal and especially against dismissal due to the regulations prohibiting night work for women. When these regulations came into force, employers were required to give the women they had employed at night an equivalent employment during the day. (Legislative Decree No. 598 of 16-10-1934).

*Peru*: (South America) There is a provision the apparent purpose of which is to prevent the dismissal of women and children on account of the inconvenience caused by their legal protection: The Act of 26th March 1921 supplementing the Act concerning the employment of women and children provides that any woman or child dismissed from employment without valid reasons shall receive two months' wages.

6. Night shifts shall be so arranged as to enable the employment of women in such shifts.

**Wages:**

For a proper understanding of the wage regulations it is necessary to understand two general observations which have been made by those who have devoted any attention to the question. When the level of women's wages has been considered in relation to the cost of the needs which those wages must supply, it has been seen that wages are often lower than the cost of living with grave consequences (a) to the health of women forced to live in a state of undernourishment; and (b) to their moral well-being. And when comparison is made between the wages of men and women engaged in similar employment appreciable differences are generally found.

This cheapness of female labour in India is due to existing labour conditions and also to certain misconceptions which persist in the mind of the public regarding women's place in the economic life of the nation.

1. Woman's work is not recognised as a separate unit of production and her wages are expected to supplement the family income. This encourages the theory that woman being "subsidized" and having no dependents can be paid a lower wage than man who has to support a family.

2. The woman worker lacks both organisation and education. Thus she is deprived of both the means and the capacity to bargain when her demand for equal wages is met with the answer that the comparative difference is due to her weaker health, limited physical power, and less general efficiency as compared to man.

3. There is an abundance of female labour in the market. Many of the women have not entered industry from choice but have been driven in as an alternative to starvation for themselves and their children. This makes them accept any wage.

4. A large proportion of female labour is unskilled and there is a very limited field of work for women. In textile factories only two departments, viz., reeling and winding, are entirely open to women.

5. One argument advanced against the principle of equal wages is the poor attendance of women. Available

information shows that the attendance of women is equal, if not better, than that of men.\*

The study of the question of wages is rendered difficult due to lack of adequate and definite information as regards:

1. The mode of payment—that is whether it is by piece rate or time rate.

2. The lack of common standards of payment, because wages differ from province to province, town to town and factory to factory even in the same town.

3. Wages paid for the various processes in all industries, whether differentiation is made in wages paid to men and women engaged in the same type of work.

Hence as sufficient data is not available it is not possible to make a definite statement as to the extent and degree of differentiation.

The importance of immediate investigation into the question cannot be over-emphasized, and the Government should immediately undertake a census of wages in the country.

\* The following figures in Bombay Province show General averages of Percentage.

#### ATTENDANCE OF OPERATIVES

Areas.	Time.		Piece.		Average of time and piece.	
	Men.	Women.	Men.	Women.	Men.	Women.
	%	%	%	%	%	%
Bombay .. .. .	88.6	91.8	88.2	88.4	88.5	89.2
Bombay Suburban, Thana, Kolaba and Ratnagiri .. ..	86.9	92.7	85.4	87.5	86.2	88.9
Ahmedabad City ..	91.6	92.4	89.9	89.1	91.0	90.7
Ahmedabad, Kaira, Panch Mahals ..	90.5	91.3	90.2	92.1	90.4	91.6
Broach/Surat .. ..	86.4	84.0	82.6	87.6	84.9	86.2
East & West Khandesh	89.4	93.7	89.7	88.1	89.5	88.4
Poona, Nasik & Ahmednagar .. .. .	87.9	81.8	91.0	90.5	89.3	88.7
Sholapur City .. ..	91.0	92.9	87.1	90.6	89.4	91.1
Sholapur & Satara ..	87.5	91.3	77.8	84.3	84.3	86.0
Belgaum, Bijapur, Dharwar & Kanara ..	88.7	88.0	88.0	89.5	88.5	89.1
Presidency Proper ..	89.5	91.7	88.4	88.7	89.1	89.5

(From "General Wage Census" Part I. May 1934, Govt. of Bombay. pp. 138-140.)

### Disparity in Wages:\*

The following table brings out the considerable disparity between men's and women's wages as far as factory workers are concerned:

FACTORY WAGES.†			
(All India)			
Daily Wages in Annas.			
	Cities.	Towns.	Mofussil.
Semi-skilled workers (All occupations) ..	14	12	10
Unskilled workers (All occupations)			
Men : ..	12	8	6
Women : ..	10	6	4
Percentage of women's wages to men's .. ..	85	75	66

(From "The Indian Year Book, 1940" Times Press Bombay, p. 524).

\* *Comparative Wages of Men and Women in the United States, England and Japan.*

U. S. A.

In comparing the levels of men's and women's wages, attention must be paid to the fact that the occupations or general types of work in which women are engaged usually differ from those of men's. In the manufacturing industries women and men ordinarily are employed on different processes. Comparing wage data for November 1936, the average weekly wage for all women employees is below 20 dollars while in the industries which employ men it is over 20 dolls. and sometimes over 30 dolls.

Place.	Weekly wages of		Percentage of women's to Men's.
	Men.	Women.	
Illinois .. ..	Doll. 26.61	15.12	56.8
New York .. ..	28.37	15.83	55.8
Ohio .. ..	24.77	15.33	61.9

Where men and women are employed in the same industry the average weekly earnings of even semi-skilled women are less than three-fourths of those of semi-skilled men. Women's earnings in factories being lower than the entrance rates for common labour in new constructions in those areas. (From the United States Dept. of Labour, Women's Bureau, Bulletin 164).

England :

Average weekly earnings of corresponding grades of men and women :		
Blowing & Ring Room.	Sh. 50	30
Tailoring & Garment making	14½ d.	8½ d. per hour.
Organised shops	70	40

(From 'British Trade Unionism Today' by G. D. H. Cole & Others)

Japan :

Year.	Males.		Females.	Percentage.
1927 .. ..	Yen 2.49		0.98	39.4
1928 .. ..	2.59		1.00	38.6
1929 .. ..	2.59		0.97	37.5
1930 .. ..	2.50		0.87	34.8
1931 .. ..	2.38		0.79	33.1

(Industrial Labour in Japan—I. L. O. Publication).

† See Appendix 8—Wages in Provinces.



**Mines:**

In case of mine workers, in open workings and surface work, the disparity between wages paid to men and women workers is appreciable, and women workers receive on an average 70 per cent of men's wages. (See Table V).

**Plantations:**

There is considerable variation in wages on plantations in different parts of the country. This is partly to be explained by (i) local circumstances such as regional variations in the cost of living and standards of living; and (ii) employment of plantation workers in gangs under the supervision of Sardars who in addition to fixed monthly wages receive rates of commission. Local variations in wages are largely eliminated by 'Wage Agreements' among the planters.\* The object of this agreement is to avoid the movement of workers from one garden to another for higher wages. There are official returns of wages on plantations. The general idea of the wage level is given by the figures submitted to the Royal Commission on Labour by different Planters' Associations.

Plantation labour has also problems similar to other organised industries, aggravated by the fact that wages here are especially low, being on an average, only about Rs. 14 to Rs. 16 per month according to the areas.

The total number of workers in this occupation is about a million. The special problem here is the employment of children, who number more than 10 per cent of the total, being as high as 16 per cent in certain areas. Their wages are extremely low, being less than Rs. 6 per month. Women's wages are on an average between Rs. 8 and Rs. 11, men's wages being between Rs. 12 and Rs. 16. (See Table VI)

As the Royal Commission on Labour pointed out in its report (p. 202) the figures for average earnings in mines must be accepted with some reserve. There is no official check on these returns, and the basis of finding the average rates by the aggregate daily attendance is a complicated matter. Moreover, the payment in all coal mines for coal-

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\* The tea industry in Assam is organised by the Indian Tea Association which promotes wage agreements amongst its members, with a view to securing uniformity in wages. These agreements are enforced through district or circle committees which fix the level of wages for each district. The Darjeeling Planters' Association in the Darjeeling district and the United Planters' Association of South India also have similar machinery.

cutters and other underground workers is by the tub, which is often filled up jointly by carters and loaders. In the Punjab the system of payment is by gang which makes it difficult to ascertain individual earnings.

(Industrial Labour in India, I.L.O. p. 257).

TABLE V  
Average Daily Earnings in Indian Mines, Dec. 1936.

Workers.	Coalfield. Jharia.	Mica Mines Bihar.	Iron Mines Bihar.	Manganese C. P.	Salt. Punjab.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
<i>Open Workings.</i>					
Miners .. ..	0 8 0	0 5 0	0 5 3	....	....
Loaders .. ..	0 7 3	....	....	....	....
Skilled Workers	0 6 6	0 4 9	0 11 0	0 12 0	....
Unskilled Workers	0 5 0	0 4 0	0 5 0	0 3 6	....
Women .. ..	0 4 9	0 3 3	0 3 0	0 3 6	....
<i>Surface.</i>					
Skilled Workers	0 9 3	0 6 9	0 13 3	0 11 0	1 1 9
Unskilled Workers	0 5 9	0 4 3	0 4 9	0 4 3	0 8 3
Women .. ..	0 4 3	0 3 6	0 3 0	0 3 3	....

(From the Annual Report of the Chief Inspector of Mines in India, 1936, p. 6)

TABLE VI.  
Plantation Wages in 1929.

Centre.	Period.	Men.	Women.	Children.
		Rs. a. p.	Rs. a. p.	Rs. a. p.
Assam Valley.				
1929 .. .. Month.		14 1 5	11 4 2	7 6 1
1935 .. .. "		6 13 2	5 10 4	4 0 2
Surma Valley.				
1929 .. .. "		10 18 11	8 11 2	5 7 11
The Dooars .. .. "		14 4 1	10 5 8	2 14 5
Darjeeling and The Terai.. Daily.		0 7 6	0 6 0	0 2 9
Madras .. .. "		0 7 0	0 6 0	0 3 0 or
				0 4 0
Coorg .. .. "		0 6 0	0 4 0	0 2 0 or
				0 3 0

(Industrial Labour in India, I. L. O. pp. 247-8.)

**Agriculture:**

Where women help the men of the family they do not get any pay nor have they any right in the collective income of the family.\*

**Professions:**

We are not aware of any difference in fees that men and women doctors, nurses or teachers get in the practice of their profession. In State services, however, where fixed salaries are paid a distinction is made on grounds of sex.

The Indian Medical Service was originally a military service. Even the civil side of it serves as a reserve for the army service. No women doctors are, therefore, recruited in this service. Women, however, have a special medical service of their own. The grades of pay in both these services are, therefore, not the same. The Women's Medical Service is more or less on a par with the provincial medical service. In the subordinate medical services, women doctors are generally paid higher to start with than men owing to a greater demand for them.†

In the Educational Service, women have different scales of pay as far as the higher Class I and Class II services are concerned. Though they get a slightly higher start than men, the maximum they reach is far below the maximum reached by men.§ In the subordinate services, the grade scale of pay is the same for both, though women get a higher start than men. There is a tendency in some parts to pay women teachers less than men. However, the payment generally follows the demand and supply theory. Where there are more women teachers than needed, they are in danger of getting less than men.

**Manual Work:**

There are two types of workers engaged in manual labour. Those who help the male members of their family

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\* Appendix 8—Wages in Provinces.

† In the Bombay Medical Service, Class II, both men and women start at Rs. 200 and this goes up to Rs. 400 in the case of men and Rs. 450 in the case of women (under the revised rules in force since 1934). The difference may be explained due to the paucity of women doctors. It must, however, be noted that women are not employed under Class I, Div. I whilst in Class I, Div. II there is no distinction between men and women doctors.

§ In the Bombay Educational Service, Class I, in men's branch, the starting pay is Rs. 320 rising upto Rs. 1200 while in the women's branch the starting pay is the same but rises upto only Rs. 770. In Class II, Selection Grade, for men the scale is Rs. 650 to 800 while for women the scale is Rs. 400 to Rs. 500.

(Footnotes 2 & 3 are from the Bombay Civil List of 1-1-40.)

and for which they receive no independent wage, and the hired labourers. In the latter case there is a difference in the wages of men and women. This is due to there being an abundance of unskilled female labour prepared to work for low wages.\*

### **Principle of 'Equal Wage for Equal Work'†**

It is gratifying to note that there is a unanimous acceptance of the principle of equal wage for equal work by all the provinces and States who have replied to the questionnaire. In a system of Planned Economy one of the objects of which is to make women economically independent, the discrimination based on sex in the matter of the scale of wages will have to be re-adjusted. Due regard will, however, have to be taken to provide legal safeguards against throwing women out of work or stopping of avenues of employment to women, when this principle is put into effect.

### **Recommendations:**

We recommend that:

The Labour Sub-Committee should devote special attention to the problem of equal wage for equal work, and recommend ways and means of bringing this theory into practical effect, without creating unemployment or barring employment to women. As we have already mentioned in 'Work on Land' we do not wish that separate wages be given to the women workers of a family, but recommend that they should be made co-sharers in the collective income of the family.

The wage fixing machinery suggested by the Labour Sub-Committee should be authorised to investigate into the question of equal wages and to suggest ways and means of putting this principle into practical effect, without creating unemployment or barring employment to women. When the Planning Authority decides to fix a minimum or living wage, consideration must be paid only to the principle that for equal work, equal wages shall be paid, both to men and women workers, irrespective of sex. No consideration

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\* Appendix 8—Wages in Provinces.

† Legal provisions with respect to equality of remuneration for the two sexes exist in China. "Women whose work and output are equal to that of men must receive the same wages as men." More or less similar provisions exist in Cuba, Chile, Peru, U.S.S.R., Venezuela, Brazil and Columbia. (*The Law and Woman's Work*, I.L.O., Geneva, 1939).

should be paid to the status of the worker, whether married or single, whether he or she has to support a family or not. The Wage Fixing Authority must only take into account the actual work turned out and pay wages as determined in that behalf for that work and reckon it with consideration for children.

### **Method of Payment:**

The method of payment of wages differs in different industries and provinces. Money wages are universally paid in cash; but the so-called concessions which exist in industries especially in plantations are paid in kind. Truck system of payment by which employers issue orders on their shops in favour of workers for provisions often operates to the disadvantage of workers. They cannot bargain and have often to pay higher prices than in the market.

The replies from the provinces indicate that the truck system is not to the benefit of the workers in general. Therefore, we recommend that all payments should be made in cash and no part of the wages should be paid in kind; and that instead of truck shops co-operative stores may be introduced for the convenience of workers.

In several perennial factories employment of labour is done through jobbers who have sometimes even the power to dismiss a worker—it is a fairly general practice for the jobber to profit financially by his exacting as the price of engagement or re-employment a small regular sum from each month's wages. In a few provinces a Payment of Wages Act has been passed whereby wages are paid direct to the worker. We urge all provincial governments to adopt this measure in the interests of the wage earner.

Another malpractice is the irregularity of payment of wages. Workers are often made to wait from 2 to 5 days in the case of weekly payments; 5 to 7 days in the case of fortnightly payments; and from 10 to 15 days and sometimes even longer in the case of monthly payments. We feel that suitable measures should be enacted obliging employers to make payments punctually.

### **Control over Earnings**

Amongst the labour classes the only means of acquiring property is through earnings. The economic independence of a woman rests on her absolute control on the money she earns. It is a common state of affairs to see the earnings of a woman being appropriated away by force by her husband or by other male members of her family. The woman acquiesces because due to her own traditional

Background she regards her wages as part of the general family income. This happens almost invariably amongst the wage earning groups. Surprisingly enough, this mentality also pervades to a fair extent in the professional groups. The State should protect the woman worker by providing co-operative banks and other such measures.

### **Facilities to the Wage Earner:**

The woman wage earner in India is faced with the difficulty of reconciling her independent economic activity with family life. Side by side with her work outside her house, woman has to attend to her home duties. With the poorer sections of the population these duties become one of routine monotony and drudgery, with a detrimental effect on her entire life and on the lives of those who depend on her for guidance, viz., her children. The woman becomes lifeless and dull and is incapable of any creative energy and effort, either to improve herself or to help her children who are either spoilt or neglected and grow up in a haphazard manner. Ways and means, therefore, must be devised to relieve woman of her daily drudgery by providing facilities with adequate help from the State which while enabling her to fulfil her household duties with ease will help her to bear the strain of maternity and of rearing children. In the Chapter on Civic Rights, while discussing the question of granting maternity benefits, we have proposed that a scheme of social insurance be introduced which would include benefits in cash to women in cases of maternity and sickness of children. This scheme will, therefore, replace the present practice of granting maternity benefits. State controlled creches and nursery schools are also necessary to relieve the mother from a part of her daily duties in the home. They should be established under this system of social insurance, in which benefits are given in the shape of social services of this nature. The creches and nursery schools will not only enable the child to learn better habits in a more cheerful environment than what the street or a drab home provides, but also free the mother to devote more of her time to the creation of a home as opposed to a mere dwelling. A network of laundries, hotels, restaurants, etc., run on co-operative lines will also be helpful to relieve those women who wish to take advantage of them from household duties.

### **Maternity benefits:**

The protection of maternity has been the cause of most of the special legislation concerning the employment of

women all over the world.\* It is intended to preserve the vitality of the woman worker for normal child bearing, to safeguard the health of the mother and child, and to protect the mother's occupational interests.

The International Labour Organisation at Geneva has from the beginning taken an interest in this important question. An International Convention adopted at the first session of the International Labour Conference, Washington (1919) deals with the employment of women before and after childbirth. Its provisions apply without distinction of age or nationality to all women married or unmarried, who are employed in industrial or commercial undertakings other than those in which only members of the same family are employed. The provisions of this Convention may be classified under four heads:

1. Rest periods before and after confinement.
2. Guarantee of reinstatement of employment after leave.

\* The laws of some countries require the employer who dismisses a worker during her legal period of absence to pay her ninety days' wages without prejudice to the compensation for which he may be liable under the contract of employment or the relevant statutory provisions. In Argentina and Ecuador (S. America) the law lays down that when a woman worker is dismissed unlawfully the amount of the fine to which the employer is liable must be paid immediately to the woman herself. A system of an entirely different sort is employed in French legislation. It consists in giving to the woman whose rights have been infringed free legal aid to enable her to bring her case before the courts.

To prevent disputes in connection with the legal prohibition of dismissal "on account of pregnancy" the legislation of some countries, as in Chile, provides that the woman worker may be dismissed during pregnancy only on legitimate grounds as clearly defined by the law (serious fault, force majeure, etc.). It is sometimes laid down that the decline of a worker's output as a result of pregnancy shall not be deemed to be a legitimate ground for her dismissal, as in Cuba. In the U. S. S. Russia a woman who is pregnant or the mother of an infant may not be dismissed without the authorisation of the labour inspectorate, and refusal to engage a pregnant woman or reduction of her wages is punishable by severe penalties. Schemes of insurance for maternity alone are generally financed by the contributions of women workers only and of the women's employers with a supplementary grant from the State in respect of each confinement. But tripartite contribution, by the State, workers of both sexes, and employers is not inapplicable to insurance for maternity only, as is shown by the practice in Cuba; and it has the two-fold advantage of permitting the extension of maternity benefits to the wives, who are not themselves wage earners, of contribution to the scheme, and at the same time preventing the discrimination against women in the labour market which might result if the employer had to pay certain insurance contributions in respect of female employees only.

*China:* In 1936 a bill on compulsory accident, sickness and maternity insurance was drafted, which provided medical attendance at confinement and a daily allowance for eight weeks. In the same year draft regulations were prepared providing for the establishment of creches, and nurseries in factories.

## 3. Maternity benefits.

## 4. Nursing facilities.

Regarding maternity leave before and after confinement, the Convention establishes the right of the woman worker to leave her employment on production of a medical certificate stating that her confinement will probably take place within six weeks, and forbids re-employment during six weeks following confinement. The six weeks' absence before confinement is optional, while that following confinement is compulsory. The Convention further protects the woman worker from the risk of dismissal during the absence by a provision forbidding the employer to give her notice of dismissal during maternity leave at such a date that the period of notice would expire during that leave, as defined in the Convention. The need for maternity in India is greater than in other industrial countries for practically all women workers are married. No precise data exist on the number of maternity cases in organised industrial India. From recent inquiries in Bombay City it was found that there were 12.34 maternity cases per 100 women workers per annum as compared with 10 maternity cases per 100 of all classes in that city. It was also found that more than half of the expectant mothers left the place of work two months before confinement.

**Industrial Labour:**

The present laws concerning maternity benefits are provincial in character and apply only to factories under the Factory Act of 1934. In accordance with the objects of the Washington Convention, the essential features of the Maternity Benefits Acts in India are the following:

- (1) "All of them relate to women working in factories, and in Madras application is specifically limited to non-seasonal factories;
- (2) "In all cases the entire cost is to be borne by employers;
- (3) "The maximum period for which the benefit is available is eight weeks in Bombay and the Central Provinces, and seven weeks in Madras, being (four) or (three) weeks before and four weeks after the birth of the child;
- (4) "The amount of benefit is eight annas a day in the Madras Presidency, and in the cities of Bombay, Ahmedabad and Karachi in the Bombay Presidency, while in the rest of the Bombay Presidency, and in



the Central Provinces the benefit is at the average rate of the woman's daily earnings calculated on the wages earned during a period of three months preceeding the day on which she is entitled to receive the benefit, or at the rate of eight annas a day, whichever is less;

- (5) "The woman must have been in the service of the employer, from whom she claims benefit, for nine months, and she must not work in any other place during the period of absence from work;
  - (6) "A woman may not be discharged from her employment during the period of absence from work. "As regards the payment of benefit, the Bombay Act provides three alternative methods, anyone of which may be adopted by the employer after consulting the wishes of the woman concerned; these are:
    - (1) "Payment for four weeks on production of medical certificate that confinement is expected within a month and for the remaining four weeks on production of the birth certificate of the child;
    - (2) "Payment for the period upto delivery on production of birth certificate and remainder after four weeks; and
    - (3) "Payment for whole benefit period on production of birth certificate within six weeks of delivery.
- "Claims for benefit depending on the production of a birth certificate must be made within six months of delivery."\*

Table No. VII gives the facts regarding provinces and States which have special legislation regarding maternity benefits.

Most of these were enacted between the years 1929 and 1938. The United Provinces Maternity Benefits Act of 1938 is the last to be introduced, and greatly differs in essential features from the preceding Acts in that:

- (1) Prohibits the employment of women for two weeks after miscarriage. The maximum period for which a woman is entitled to benefit is eight weeks in all Acts, i.e., four weeks before and four weeks after delivery. In the U. P. Act the woman who has miscarried is given full pay for three weeks after it. There is no such provision in other Acts.

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\* From 'Industrial Labour in India,' I. L. O. Geneva, pp. 96-97.

TABLE VII.  
REGULATIONS RESPECTING THE PROTECTION OF MATERNITY IN INDIA.

1	2	Periods before & after confinement during which employment is prohibited.	Optional abstinence from employment before & after childbirth.	Guarantee of reservation of position.	Facilities accorded to mothers for nursing their infants.	Indemnities during abstinence from employment.	Other provisions applying to period of pregnancy.
Legislation.	Scope of provisions cited	1	4	5	6	7	8
<i>Central Government:</i> Factories Act XXV of 1934. @ 33.	Factories employing over 50 women (as defined by Act).				The local Governments may issue regulations requiring provision of suitable accommodation in factories for use as a day nursery for children under 6.		
<i>Bombay:</i> 1. Maternity Benefit, Act VII of 1929, as amended by Act V of 1934. 2. Notification No. 1282/34 of 14-6-38 Creches.	1. Women wage earners employed in factories in certain districts (Govt. may extend scope of Act to include any district.)	1. 4 weeks after.	1. 4 weeks before.	1. Dismissal forbidden during legal absence nor may notice of dismissal expire during that period.	2. Factories employing more than 100 women must provide suitable rooms for children under 6 years (Since amended to 50 women).	1. Employer must pay during legal leave 8 annas a day in specified towns & elsewhere the average daily wages if less than 8 annas. Conditions: If woman has been in his employ for 9 mths. before beginning of mat. leave and ab- stains from all remunerative employ- ment.	
C.P.M.B. Act VI of 1930.	Women wage earners in factories.	4 weeks after	4 weeks before	As for Bombay		Employer must pay average	

C. P. Contd.						daily wage upto maximum 8 as. during legal absence.	Conditions: As for Bombay.
<i>Delhi:</i> Notification L. 1944 of 26-11-36 applying to Delhi province provisions of Bombay M. B. Act.	As for Bombay.	As for Bombay.	As for Bombay.	As for Bombay.		Employer must pay 8 as. a day during legal leave.	
<i>Madras:</i> 1. M. B. Act VI of 1936. 2. Rules of 1936 under Factory Act, Ch. V, rule III.	1. Factories. 2. Factories.	4 weeks after	3 weeks before.	As for Bombay.	2. Factories employing more than 50 women must provide proper place for keeping children under 6.	Employer must pay 8 as. a day during legal leave (in non-seasonal factories). Conditions: As for Bombay.	Unjustified dismissal within 3 months before confinement does not deprive woman of maternity benefit.
<i>Bengal:</i> Regulations of 1935 under Factory Act, @ 70.	Factories.				As in Madras.		
<i>Cochin:</i> Notification No. 86 of 12-4-37.	Women working on plantations where 10 acres are cultivated or at least 20 workers employed.					Employer must provide an allowance & food for seven weeks.	
<i>Mysore:</i> 1. Factory Regulation 1, 11, 1.36 @ 33 (2). 2. M. B. Regulation III of 4. 2.37	1 & 2 Factories.	2. 4 weeks after	2. 4 weeks before	2. Dismissal forbidden 3 mths. before confinement & 4 weeks after.	Govt. may require as in Madras.	2. As for C. P.	
<i>Baroda:</i>	Women workers in factories.	Total of	7 weeks.			6 Annas daily. Woman must be employed for 6 months before the day she applies for leave.	

Excepting Baroda the above details are copies from "The Law & Woman's Work,"

I. L. O. Geneva, 1939, pp. 84 and 85.

(2) The scale of payment is "Average daily earnings calculated on the total wages on the days when full-time work was done" or "eight annas a day, whichever is greater".

(3) The qualifying period for benefit is employment for not less than six months.

(4) An additional payment of a bonus of Rs. 5 to a woman worker who avails herself of the services of a qualified midwife is made.

(5) The Act provides for a Creche to be built by an employer and female attendant to be put in charge of it, and for a woman worker with child of not less than one year of age to be given in addition to the rest prescribed by the Factory Act two intervals of rest of half an hour each, one in the forenoon and the other in the afternoon.

(6) It safeguards the woman worker against being dismissed by her employer with a view to evade payment of maternity benefit to her.

All acts provide that notice of dismissal cannot be given to a woman during the period of maternity leave, but there is a further provision in the U.P. Act that if as a result of illness arising out of pregnancy, confinement, or miscarriage, a woman is absent for a period longer than her maternity leave, the employer cannot dismiss her unless her absence exceeds four months.\*

The results of the administration of the Maternity Benefits Act in the provinces of Bombay, Madras, Central Provinces, etc., in 1936 are given below. No data is available for Delhi and Ajmer-Merwara.†

### **Voluntary basis:**

Voluntary maternity benefit schemes have been set up in a number of industries.

### **Jute Mills:**

The system of granting maternity benefits to women workers in the jute mills was adopted in 1929 by the Indian

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\* Report of the Bihar Labour Enquiry Committee, pp. 61, 63.

† The latest figures regarding the working of the Bombay Maternity Benefits Act in the year 1939-40 gives the following facts: "Returns were received from 552 of the 574 factories to which the Act was applicable. There was an increase of 498 in the benefits paid, whilst the claims paid per 100 women employed were 9.24 as compared with 7.47 last year. Nearly 60% of the women in Bombay and 75% in Sholapur obtained the benefit by taking an allowance for four weeks when they left work. These are far higher percentages than the 22% of Ahmedabad." (From the Annual Factory Report, Bombay, 1939.)

TABLE VIII.

**Administration of Maternity Benefit Acts in Some Provinces in 1936\***

Province.	Average number of women employed	Number of women claimants	Number of women receiving benefit	Claims granted per hundred women employed	Average amount of benefit per claim.
					Rs. as. ps.
Bombay .. ..	44,171	4,539	4,310	9.75	24 1 8
Madras† .. ..	30,324	1,269	946	3.10	22 6 9
C. P. & Berar ..	4,866	572	513	10.50	17 2 7

Jute Mills' Association, which recommended the idea to its members, and appointed an investigator to devise schemes. By 1931, out of 64 mills, 53 had adopted maternity benefits schemes. The number of women workers who received benefits was 958 in 1929, 2,142 in 1930 and 2,380 in 1931. The amount of benefits varied in different mills. In five mills it equalled the wage earned. In 42 mills the benefit was at the rate of Rs. 2-4-0 per week, and in others the rate varied from Rs. 2-1-0 to Rs. 3-0-0 per week. The duration of benefit was for four weeks in 48 mills.

**Cement and Cable Companies:**

"According to the replies to our questionnaire, 12 establishments give to their women workers maternity leave. The usual scale of leave is eight weeks on full pay after a minimum of one year's continuous service. The Japla Cement Company gives maternity leave for two months on half pay, the Indian Cable Company six weeks on half pay and the Indian Tinplate Company six weeks on full pay."¶

**Collieries:**

"The Tata Collieries conform to the above-mentioned usual practice which is also the practice at the Steel Works

\* Compiled from the annual reports on the administration of the Factories Act in the respective provinces in 1936.

† Including persons other than mothers under Sec. 7 of the Bombay and Madras Acts.

‡ The average daily number of women employed in factories both perennial and seasonal, was 46,070 in 1936, and of these only 30,324 employed in perennial factories were entitled to benefits as provided for by the Madras Act.

(Industrial Labour India, I. L. O. Geneva, p. 211).

¶ Bihar Labour Enquiry Committee Report, 1940.

in Jamshedpur. The Loyabad Colliery gives an allowance for three to four weeks at the rate of four annas a day before and six annas a day after childbirth, while the Salvatore Colliery gives for the same period a Khoraki or subsistence allowance. The Bhagtand Colliery gives leave for two weeks and a fixed allowance of Rs. 4 while the Argada Colliery allows full pay for one month.”\*

### **Plantations:**

In the plantation industry, maternity benefit is given on a voluntary basis; most of the large tea gardens in Assam and Bengal grant maternity benefit in some form or other. The benefit may take the form of a lump sum or of an allowance for four to eight weeks before and four to eight weeks after child birth. Most gardens also pay the wages of one or more dais (untrained midwives) to attend confinements. It has been reported that as the benefits paid are not equal to the wages which the women workers can earn, they often prefer to continue working as long as possible. Several gardens stopped paying benefits during the depression.

In the preceding pages we have reviewed the present position as regards the payment of maternity benefits. It has been brought to our notice that efforts to grant maternity benefits through legislation and the placing of the whole of the financial burden on the employer has resulted in a growing tendency amongst employers to engage as few women as possible. The present Acts provide against this tendency, but the provisions are inadequate, and experience has shown that since these acts have come into effect, the number of women workers in factories have decreased.

### **Recommendations:**

1. The Royal Commission on Labour had recommended that “in the event of any different scheme of social insurance being adopted, maternity benefits should be incorporated and the cost shared by the State, the employer, and the worker.”

We have already endorsed this, and are of opinion that the present maternity benefit acts should be replaced by the social insurance scheme as soon as possible. Meanwhile the present tendency of not employing women workers should be checked by effective means after further investigation.

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\* Bihar Labour Enquiry Committee Report, 1940.

2. Maternity benefits which will be paid to woman must be of two types:

- (i) Cash. Determination of the exact amount of cash benefits should be left to a competent State authority. But it should be sufficient for the formation and healthy maintenance of the mother and the child.
- (ii) Kind. Should consist of free medical attention by a doctor or certified midwife, and health visitors before and after confinement.

3. There are a large number of women who are employees of local bodies in the capacity of teachers, inspectresses, health visitors and scavengers, etc. The scavenging population is a very big one. We, therefore, strongly recommend that all local bodies such as local boards, municipalities, gram panchayats, etc., should immediately start granting maternity benefits to their employees.\*

### Creches:

The problem of providing creches for children of working class women has been till recently neglected in India. This resulted in the woman resorting to opium as the only method of keeping the child quiet while she was at work. In recent years small efforts have been made in factories where women work to create facilities in the manner of creches, nursery schools, etc.

Section 33 (2) of the Indian Factories Act empowers local Governments to make rules "requiring that in any specified factory, wherein more than fifty women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years, belonging to such women; and prescribing the standards for such rooms and the nature of supervision to be exercised over the children therein." This power to make rules is obligatory.

In Bombay and the United Provinces, in 1938 a clause has been provided in the Factory Act making provision for creches, nursery schools, and paid nurses. A couple of amendments were made in the notification effecting compulsory provision of rooms for children, ordinarily forty two creches.

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\* Municipal authorities in several industrial towns in China (Shanghai, Hongchow, Tsingtoo, etc.) have set up creches and nurseries specially for the children of women who are out to work. (*Law & Women's Work*, I. L. O. Geneva, 1939).

We have been unable to gather information of the working of the creche scheme in any province except in Bombay province. In July 1939, in Bombay province, 155 factories were required to provide facilities with specific standards if they ordinarily employed more than 100 hands. Of these factories, 7 use a creche in conjunction with the neighbouring mills while 11 are not working. Twenty factories are no longer amenable to the notification since the number of women employees has been reduced so that 117 concerns are affected.

### Working of Creche Scheme in the Province of Bombay:

The following figures indicate the extent to which the creches are utilised in Bombay:

Locality.	No. of women employees in the factories that submitted information.	No. of creches that submitted information.	Average daily attendance.	No. of instances where opium was stopped.	No. of infants that were given opium.
Bombay City ..	16,233	45	628	115	141
Sholapur & Barsi	5,144	10	586	380	115
Ahmedabad ..	7,097	35	879	36	....

(From The Annual Factory Report, Bombay Presy. 1939, p. 17.)

The statistics indicate that the response from the women of Bombay has not been anything like as encouraging as elsewhere. The creches in Sholapur and Barsi and in other centres including Ahmedabd are utilised to a much greater extent than those in Bombay.\*

The Bombay Government is the only provincial government in India which has appointed a lady inspectress of factories who is a qualified doctor.

\* The standard of creche in Ahmedabad has greatly improved although some mills have reduced the number of women workers to evade the obligation. Some of these mills still provide some facilities for the women and infants, but in some instances it would be better to scrap them entirely since no interest is taken by the management. The creches in Barsi and Sholapur mills supply modern appliances for the treatment of ailing children. A Montessori school has been added to a mill in Ahmedabad. Opium drugging was stopped in 603 creches of the factories of the province, while 304 infants who had not been previously drugged were admitted to them. (Annual Factory Report, Bombay Province, 1939, pp. 17,18.)



### **Decrease of Employment of Women due to Social Legislation:**

The number of women employed registered a decrease of 994 in 1939. This decrease in the employment of women was mainly due to a reduction in the number of women employed in the cotton textile industry. The numbers are affected by changes in technical employment and a reduction in the volume of employment, but social legislation in the shape of maternity benefits and compulsory creches has had some influence. Nine factories were prosecuted and fined Rs. 150 for the irregular employment of women.\*

### **Recommendations:**

We are of opinion that the creche and nursing centres scheme should come into effect on the lines suggested in Chapter I, Civic Rights. But during the transition period we recommend:

That the financial burden of establishing creches and nursery centres be borne by the employers. It is proved, however, that women workers are either dismissed or not employed where employers have to undertake these schemes. The National Planning Committee, therefore, should investigate the best method of effecting this proposal so that women workers may not be victimised;

Local bodies should immediately establish creches, nursery centres and nursery schools for the children of their women employees.

We would also recommend that provinces and States which have no such Acts as the Maternity Benefits Acts should not adopt such schemes, but should take up a scheme of social insurance on the lines suggested by the Planning Committee.

### **Housing:**

The problem of housing the industrial sections of the community is of growing importance. The available dwellings leave everything to be desired in the matter of sanitary arrangements. Tenements have, however, been built with the idea of housing families; men workers crowd together in rooms and the evils that result can be well realised. Villagers seeking employment in cities leave their wives and families in the villages because of lack of suitable accommodation in the industrial areas. This leads in-

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\* Annual Factory Report, Bombay Province, 1939, p. 8.

evitably to the growth of prostitution, vice and drunkenness. It is also responsible for the large increase in the number of deserted women in the villages. Where families accompany the worker to the city, the overcrowding and insanitary conditions lead to a high decrease in infant mortality as will be seen from the figures given below:

TABLE IX.

Infant Mortality in Relation to the Number of Rooms Occupied, Bombay City, 1926-1927.

Number of Rooms.	Births		Deaths.		Infant mortality per 1000 births registered.	
	Number.	Percentage	Number	%		
One Room .. ..	11,615	53.6	5,688	83.0	1027	1926
Two Rooms .. ..	1,736	8.0	352	5.1	490	577
Three Rooms .. ..	392	1.8	87	1.3	203	254
Four or more .. ..	174	0.8	34	0.5	222	215
Hospitals .. ..	7,764	35.8	680	9.9	195	163
Homeless and not recorded .. ..	4	....	16	0.2	88	107
Total ..	21,685	100.0	6,857	100.0	316	389

(From Industrial Labour in India, I. L. O. Geneva, 1938, p. 308).

The State should lay down rules permitting new industries to be started in rural and urban areas only when provision has been made for the suitable accommodation of workers and their families. We realise that this would mean extra financial strain on the industry; and to meet this we recommend that the State and the employer should co-operate to meet the cost.

There is a growing tendency among the employers to provide housing accommodation for workers in mines and plantations, but here too provision is not made for the housing of separate families. We recommend that wherever new factories are erected and new settlements made, efforts should be directed at providing accommodation for individual families.

## Hours of Work

The Western Countries first industrialised have, since the middle of the last century, introduced regulations on women's work which were later extended to men workers.

This basis of sex equality has been accepted and the following Conventions adopted:

- 1 The Washington Convention of 1919 limiting hours of work to 8 per day and 48 per week;
- 2 International Convention of 1930 concerning hours of work in commerce and offices; and
- 3 Geneva Convention of 1935 to reduce hours of work to 40 per week.

Thus we see that so far as the West is concerned, national regulations on hours of work apply to workers of both sexes.

### **Hours in Factories**

In India provisions relating to women's work were introduced in 1821. The first Indian Factories Act passed in 1881 led to the investigation of the question of the employment of women in factories and their hours of work. The question was investigated by the Bombay Factory Commission in 1884 and by a Factory Labour Commission in 1890 and on the basis of the recommendations of the latter, an Amending Act was passed in 1891 by which the hours of work for women were limited to eleven a day with an interval of rest for an hour and a half or proportionately less for lesser number of hours of work. Section 45 of the Factories Act of 1934 again reduced the number of daily hours of work for women from eleven to ten in both seasonal and non-seasonal factories. The present hours of work for a week are 54. But as the daily hours of work for all workers are now reduced to ten, except in seasonal factories, there is no difference between the hours of work of men and women in perennial factories, and, therefore, Section 45 of the Amended Act of 1935 provides for no exemption to women from the provisions of Section 36 which restrict the daily hours of work of the factory workers to ten. In seasonal factories the daily hours of work for men are still eleven. The local governments are, by Section 45 of the Factories Act 1934, given power to make rules imposing further restriction by defining the period or periods of the day within which women may be allowed to work; and such period or periods to lie within the span of thirteen hours between 5 a.m. and 7 p.m. The local governments, by the same Section, were given powers to exempt such women from the above restrictions as were working in fish curing and fish canning factories where the employment of women beyond the said hours is necessary to prevent damage to any raw material.

The maximum hours of work fixed by the Indian Factories Act, namely ten per day and 54 per week, are too long both for men and women. Besides being harmful to the health of the worker, they result in the inefficiency of work. A 48-hour week for both men and women is advisable and would leave time for leisure and recuperation.

### **Hours in Mines**

In 1936, the weekly hours of work of women in different classes of mines varied from 25 to 49 underground, from 38 to 49 in open workings and from 42 to 51 on the surface as compared with working hours of men which varied from 34 to 50 underground, 36 to 54 in open workings and 39 to 53 surface work.

There is no special limitation of the hours of work for adolescents in mines; hence it is presumed to be practically the same as those of adults.

### **Hours in Plantations**

At present, there is no legal limitation of working hours; in practice although there is considerable elasticity there appears to be no tendency to work long hours. In Northern India, the work is divided into two categories. Under the piece work (Hazira and Ticca\*) system, as well as under the Unit system,† working day is reported to be about 8 hours. In busy seasons, the working day is longer than in the slack season. During the plucking season, i.e., April to November, actual work is stated to last for about 8 hours per day, from 7-30 a.m. to 4-30 p.m. with an hour of rest at midday. In the non-plucking season, when garden work consists chiefly of pruning and cultivation, the day's work can be easily completed in about six hours, exclusive of the midday rest. In South India the hours are also 8, extending from 7-30 a.m. to 4-30 p.m. with a meal time break of an hour or so at noon. Besides this regular work on the plantations, most of the workers who have settled on or near the tea gardens have also to attend to their own gardens, especially in the planting and harvesting seasons.

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\* Hazira—A standard of daily task which takes an average worker from four to five hours.

Ticca—Additional task for which a worker is paid overtime rate.

† Unit System—In which workers complete as many unit tasks as they choose.

Women as well as children where employed work practically the same number of hours as men. No measures have yet been taken to regulate the hours of work of children on plantations. The work of children is generally light and is often done leisurely.\*

We recommend that nursing women working in factories, mines and plantations should be provided with rest intervals in between the working hours to visit and nurse their babies in creches, etc.

### **Night Work**

The problem of the employment of women during the night is closely bound up with that of hours of work. In factories using mechanical power, and employing 20 or more persons, work is prohibited for women from 7 p.m. to 6 a.m. Night work is an abnormal activity for all workers; but in certain occupations such as nursing, journalism, etc., night work may be absolutely necessary. We, therefore, do not recommend prohibition of night work except for pregnant and nursing mothers and for every person beneath the age of 18.

## **DANGEROUS AND UNHEALTHY WORK**

### **Health & Safety Regulations**

Among the general conditions of labour, sanitary arrangements are important, especially to women because ill health in their case is injurious not only to themselves but also to their children. The Indian Factories Act provides that the factories should be kept clean and free from impurities stated in the Act. It is necessary for a factory to have a suitable supply of drinking water, sufficient light and ventilation and adequate latrine arrangements. Some of the larger factories in India are reported to have fulfilled these conditions to a tolerable extent, but the smaller and seasonal factories are extremely backward in this respect. In most of the cotton, jute and woollen mills as well as cotton ginning, rice milling and tea curing factories employing a large number of women labour, a good deal of dust is raised in the course of the manufacturing processes. They possess very inadequate arrangements for the elimination of this dust. This is responsible for the spread of pulmonary diseases amongst the workers. In the case of most seasonal factories and even a number of perennial

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\* Industrial Labour in India, I. L. O. Geneva, 1938, pp. 218-14.

factories, the problem of dust has always been a serious one. A dust extracting plant can be installed in every one of these factories at a reasonable price. For failure to do this, we not only blame the employers, but also the various provincial governments who, though empowered to make provisions controlling dust and other impurities in the air in the factories, have generally desisted from doing so. The clear recommendations of the Royal Commission on Labour regarding the installation of protective machinery have also not been taken notice of by most of the local governments. It is time the local governments adopted these elementary measures.

### **Health Certificates**

Some countries have adopted a method requiring a certificate showing that the woman's health permits her to be engaged in the work before she may be employed in certain unhealthy industries. Some of these risks affect workers of both sexes alike and regulations for protection against these risks can hardly be based on sex discrimination. There are a few specific cases where women need special protection as for instance, woman's internal organs are particularly sensitive to the action of industrial poisons and the bodily injuries caused by them, and so health certificates are required of them. We recommend that the same procedure be adopted for all workers and their health be certified before they are employed in certain unhealthy industries.

### **Provision for Seats**

At present the workers are not provided with seats while they work with machinery. Long hours of standing in an unhealthy atmosphere has been one of the causes which has affected the health of the wage earner, and more especially of women. We recommend that seats should be provided for all workers. Regulations should be made to this effect.

### **Work Underground**

Underground work in mines has been closed to women by legislation. Section 29 of the Indian Mines Act, 1923, gives power to the Governor-General in Council to make regulations for prohibiting, restricting or regulating the

employment in mines or in any class of mines, of women either below ground or on particular kinds of labour which are attended by danger to the life, safety or health of such women. This reform is based on the recognition that mining work, especially underground, is particularly hard and strenuous and, in the case of women, injurious to health, safety and morals.

Since October 1937, women are no longer employed in underground work.

TABLE X

Decrease in Number of Women Employed Underground in Mines Since 1928.

Year.	Total underground labour force.	No. of women employed underground.	Percentage of women employed underground to total.
1928.. ..	117,940	31,785	26.96
1929.. ..	116,945	24,089	20.58
1930.. ..	120,333	18,684	15.56
1931.. ..	115,726	16,841	14.55
1932.. ..	110,907	14,711	13.26
1933.. ..	112,355	12,799	11.39
1934.. ..	120,216	11,198	9.31
1935.. ..	129,881	9,551	7.38
1936.. ..	130,724	7,301	5.50

(Industrial Labour in India, I. L. O. Geneva, 1938, p. 53.)

A considerable portion of the employment of women was formerly underground. In 1924, for instance, 60,375 women, or 69 per cent of all women mining workers, worked underground. In 1926 when a distinction was first made between work in open workings and underground work, the numbers of women in open workings and underground were respectively 27,833 and 31,889, that is 35 percent and 40 percent of all mining workers. After 1929, however, when the regulations for the gradual elimination of women from underground work began to operate, the proportion of women employed underground to the total number of women mining workers fell to 5.50 per cent in 1936. Since October 1937 women may no longer be employed underground.

TABLE XI.  
Sex Distribution of Workers in Mines.

Year.	Men		Women		Children.*		Total
	Number	% of total.	Number	% of total.	Number	% of total.	
1901 .. ..	69,025	65.9	30,488	29.2	5,147	4.9	104,660
1924 .. ..	164,402	63.7	87,484	33.8	6,381	2.5	258,217
1926 .. ..	181,616	69.8	78,497	30.2	....	....	260,113
1933 .. ..	171,038	82.8	35,469	17.2	....	....	206,507
1936 .. ..	226,958	84.2	42,635	15.8	....	....	269,593

(From 'Industrial Labour in India,' I. L. O. 1938, p. 52).

From the above statistics it is clear that this policy has created unemployment amongst women workers in the mining area. This unemployment has resulted in great hardships.†

### Recommendations

We recommend that schemes of rationalisation or of prohibition of work to any group of workers should be so planned in future that those workers thrown out of employment would be absorbed in other work. What is meant to safeguard the wage earner should not act to her detriment.‡

### Child Labour

The prevalence of child labour in various occupations has been discussed in detail under corresponding sections. At present the number of children employed in organised industries is comparatively small and where it exists it is regulated. But children are, however, found in large numbers working in all forms of unregulated enterprises such as cafes, restaurants, small factories, domestic service, beg-

\* Under 12 years of age.

† The elimination of employment of young children and the decrease in the employment of women is the most striking feature of the labour situation in the mining industry. There had been a not inconsiderable proportion of women and children in the mining labour force. It was, in fact, the employment of women and children that led to the demand for the regulation of mining labour by legislation. (Industrial Labour in India, I. L. O. Geneva, 1938, p. 51.)

‡ The Royal Commission on Labour recommended "Employers should reserve vacancies occurring among surface workers for women excluded or about to be excluded from underground workings; and the system of selecting women for exclusion from underground workings should be considered by employers, workers and the inspectorate jointly."



ging, newspaper boys, errand boys, shoe blacks, cinema industries (as child actors), etc. It is difficult to regulate child labour in these occupations because of the scattered nature of work and the difficulty of organisation. Girls work in the home looking after younger children. Child labour is common in agriculture as most children render seasonal help on their family lands.

The Royal Commission on Labour investigating into the problems of child labour found a system existing in several industries (Amritsar Carpet and Bidi factories) whereby parents or guardians of the child mortgaged the labour of the child in return for a loan or advance on an agreement either written or oral. The Royal Commission recommended strong measures to eradicate this evil. It was for this purpose that the Children's Pledging of Labour Act\* was passed in 1933. "In virtue of this act any agreement to pledge the labour of a child is void, 'the agreement to pledge the labour of a child' being defined as an agreement written or oral, expressed or implied, whereby the parent or guardian in return for any payment or benefit undertakes to cause or allow the services of a person under 15 years of age to be utilised in any employment, provided that an agreement made without detriment to a child and not made in consideration of any benefit other than reasonable wages to be paid for the child's services and terminable at not more than a week's notice is not an agreement within the meaning of the definition. Parents or guardians making an agreement to pledge a child are liable to punishment with fine which may extend to Rs. 50 and employers taking part in the pledging or employing children whose labour has been pledged may be punished with fine which may extend to Rs. 200." (Industrial Labour in India, pp. 93, 94.).

In the event of compulsory education upto the age of 14 becoming universal as envisaged in the Basic Scheme of Education, opportunities for employment of children under 15 will be very much restricted. We have also recommended that the school leaving age of 14 should be followed by a system of compulsory apprenticeship in continuation classes. During this period, young boys and girls will be under the direction and training of experts and will be given both practical and theoretical training even though

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\* This Act does not apply to Indian States. Hence in some of the States this system of mortgaging of labour of the child yet persists.

they may be following their family occupations or working as independent wage earners.

### **Recommendation**

Child labour and the employment of children for wages under the age of 15 should be prohibited. During the transition stage, before compulsory education comes into force, the raising of the age to 15 should be gradual so that it does not result in unemployment amongst those children already working. We are also of opinion that whole time work, work between 6 p.m. and 7 a.m. should be prohibited to boys and girls under 18.\*

## **WORK IN ORGANISED INDUSTRIES**

### **Recruitment of Labour**

Recent years have shown the rapid formation of a permanent class of men and women workers who are solely dependent on wages for a means of livelihood and who are wholly detached from the land; but still a large proportion of the workers in organised industries do not settle in the centres where they are employed but only migrate temporarily to the city and then return to their village homes. The consequence of this migratory character of part of the industrial labour is that employers must still, to some extent and in some industries, have recourse to active recruiting of labour through intermediaries.

### **Factories**

Recruitment of labour in perennial factories usually takes place at the factory gate. This specially applies to migratory and local workers. Unfortunately this does not mean that the employer assumes direct responsibility for the engagement of his workers. Actual engagement of labour is still left largely to intermediaries or jobbers, sardars, mukkadams or maistries.

### **The Jobbers**

Promoted from the ranks after full experience of the factory, he is responsible for engaging labour and also for

\* The 1937 Annual Factories Report of Punjab says there were 690 boys and 84 girls in 1937 against 916 and 75 in 1936. The small difference in wages of adolescent and child worker may result in further reducing child workers in factories.

supervision of labour while at work. Women overseers are appointed in large factories in departments staffed by women.

In a number of factories the jobber has the power to engage or dismiss a worker—and it is a fairly general practice for the jobber to profit financially by the exercise of this power. It is usual for a fee to be exacted as the price of engagement or re-employment and in many cases a small regular payment is made out of each month's wage.

### **Supervision of Women**

Where supervision of women is undertaken by male jobbers it leads to serious abuses. Where women workers are numerous they are usually under women supervisors known as Naikins or Mukkadamins. This system does not eliminate but only lessens the evils of male supervision, as often the Naikin is as rapacious as the jobber with even more submissive material on which to exercise her greed.

In the starting of new mills recourse is made to the old method of recruiting labourers from distant villages by overseers and contractors. In engineering and metal works, contractors are still largely employed. These act in the capacity of subordinate employers and recruit at the factory gate.

### **Mines**

Majority of mining workers belong to the aboriginal races. Recruitment is done through contractors who may either supply the labour alone which is then employed and paid by the mine management or may both supply and employ the labour.

In other collieries the recruiting is entrusted to Sardars or to agents.

### **Plantations**

Recruitment in plantations is characterised by the employment of intermediaries.

In South India recruiting is done through gangers known as Kanganies and Maistries who receive from the planters loans free of interest from which to make advances to intending recruits and to pay the expenses of the workers to the plantations.

In Assam recruiting is done by Sardars who have to be bona fide workers on the plantations. Every worker needing assistance to proceed to the tea gardens must be recruited by a Sardar. A policy exists to encourage the recruitment of families rather than individuals. More than half the immigrants to these settlements are women and children.

One result of this preference for married couples is that many disappointed labourers try to get to the garden by posing as married couples.

Under the old system of labour contracts, based on the principle of utilising every able-bodied person in the family for labour and of fixing the wage rate accordingly, many women sought employment in order to balance the family budget, the whole family continues to work because of the wage system and the need for supplementary earnings.

In tea gardens some plantations employ women who are either pregnant or those who have returned to work after child birth, or women who are convalescent after illness, in order to allow of their being employed temporarily in a sedentary occupation.

### **Forced Labour or Veth**

Agriculturists and labourers in villages have to render free service to the Government officials, landlords, etc. In recent years Governments have tried to stop this practice by orders, yet the practice prevails.\*

Veth: "This terrible system, which entails conditions of life hardly distinguishable from slavery on the bulk of the aboriginal population, operates in the way described below:

Tenants of land in the vast jungle tracts are entirely dependent on their landlords, not only for lands to cultivate but also for their maintenance during five months or more in a year. They are liable to be called upon to work for their landlords. If they refuse or procrastinate they are liable to assaults or beatings. These are of common occurrence, and are usually carried out by the landlord's local agent. Veth is demanded for as many days as are necessary for the landlord's requirements. When it is required,

\* "In spite of explicit orders, free service and to a less extent, free supply of stores, etc., are, I believe, still exacted by the subordinates in nearly all departments." (Report of the Aboriginal Hill Tribes of the Partially Excluded Areas in the Province of Bombay, 1939 by D. Symington, Govt. of Bombay, p. 98).

it is usually ordered that each house has to provide a man; and the landlord or his agent goes round in the morning calling out the conscripts to work. In addition they may be used for domestic work, polishing and loading timber at depots. The maximum remuneration for forced labour that I could discover is one anna per diem. More often rice is given, hardly sufficient for one man for one meal. Landlords will not scruple to use their power in fulfilment of other purposes; for instance the use of their tenants' womenfolk for the gratification of their lust."\*

### **Indentured Labour**

This form of labour exists in plantations, quarries and other unorganised large scale industries like leather works, brick works, tile factories, dal processing, etc. Some common features in all these are:

- (i) Importation of labour from distant places;
- (ii) Comparative cheapness; and
- (iii) Availability at odd times.

The seasonal nature of the industry is the chief cause to necessitate this tied down labour. Labour of family units is exploited in this way. Advances of money grants of small cultivable lands and housing facilities are the methods to tie down this labour.† Working conditions are comparatively poor.

### **Handicaps to Women employed under such system**

(i) Women do not get paid separately for the work done.

(ii) As existing factory legislations do not apply to most of these industries, the evils of exploitation exist to the maximum extent.

(iii) It may give room to the creeping in of the truck system. Even at present this practice exists in the shape of loans and recommendations through permit chits to a known grocer's shop.

### **Contract Labour**

This exists in relation to temporary or periodical occupations like buildings and road making and in fluctuating

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\* Symington's Report.

† In Madras City about 42 per cent of the labour in large scale unorganised industries is recruited in this way. 50 Per cent of this type of labour are women.

trades. A contractor stands between the employee and the employer. He himself is a regularly paid servant of the employer and is in charge of recruitment. The labourers have to be at his mercy to find them a job. He is often unscrupulous and sets a price in the shape of a commission from the poor labourer seeking employment and often sees that this is paid to him regularly on the pay day in instalments. He is able to make enormous profits, but usually does not intercede with the employer for securing welfare measures for the labourers who tip him so well.

### **Recommendations**

The need for a government controlled machinery to co-ordinate labour supply with the needs of the various industries cannot be over-emphasized. At present there is no relation between supply and demand. In one area we find shortage of labour while in another industrial centre there is unemployment. Villagers seeking employment, unless recruited to plantations by Sardars or such other intermediaries, immigrate to industrial cities trusting to luck to find work.

1. We recommend that the planning authorities should consider the establishment of a Central Labour Exchange with a network of recruiting centres spread over all densely populated rural areas considered suitable for recruitment. The local gram panchayats or rural officers should be asked to co-operate in the task of recruitment. The labour exchange should have on its board both men and women members and also representatives from trade unions and employers' associations. Its task should be to control and organize the immigration of labour and co-ordinate it in such a manner with the demand of various industrial centres that useless overcrowding and unemployment are avoided as far as possible. The exchange of labour in industries should also be encouraged.

The villager should be encouraged to bring his family with him and efforts should be directed to finding work for the members of his family in the same locality if not in the same industry in which he is working.

2. We endorse and urge the immediate adoption of the recommendations of the Royal Commission on Labour: "That where women are engaged in substantial numbers, there should invariably be employed at least one educated woman in charge of their welfare and supervision through-

out the factory. She should be responsible to the labour officer, where there is one, and to the manager where there is not, for the engagement and dismissal of all the female staff, whether permanent or temporary. If Naikins are employed they should be under her immediate control. It is important that she should be remunerated on a salary and not on a commission basis, and on a scale likely to attract the right type of woman for work of such responsibility.\*

"The successful inauguration, as well as the adequate enforcement of laws and welfare orders specially bearing upon the welfare of women and children, such as those relating to maternity benefits, creches, etc., call for the services of trained women inspectors; and we are confident that in India, as in Great Britain, their appointment has only to be made to prove its justification.†

"We recommend that such women should be of Indian domicile and not younger than 25 years of age, and their remuneration should be on a scale calculated to attract and to hold the type of woman required for work which will necessitate initiative, resources and self-reliance, and in the first decade at least, no small measure of pioneering enterprise.‡

"The appointment of one such woman in every province is desirable; but if this be not practicable, we recommend the appointment of part time women officials in those provinces where the number of women and children employed in regulated industries is smaller."‡

### Factories

The first systematic records of workers in all classes of factories working under the Indian Factories' Act‡ were

\* Report of the Royal Commission on Labour in India, 1931, p. 26.

† Ibid. pp. 71-72.

‡ The organised industry which employs the largest number of wage earners in India is the factory industry. Factories in India may be divided into three categories: (1) Those undertakings which use machinery and mechanical power but employ less than 20 persons; (2) Those undertakings which use machinery and mechanical power and employ more than 20 persons; and (3) those undertakings which do not use machinery. It is only the second class of undertakings which generally come under the Factories Act and are legally termed "factories." In recent years a few undertakings of the first and third class have also been brought under Section 5 (1) of the Act. Factories include a number of undertakings which are closely connected with other industries, such as plantations, etc. While the production of tea leaf is a plantation industry, the curing of the leaf into a finished product is a distinct process often involving the use of machinery and mechanical power and comes under the Factories Act.

made in 1892. The following table shows numbers of factories and of women and children employed in the year between 1922-35:

TABLE XII.

Industrial Workers in India. Factory Statistics 1922-35.

Year.	No. of factories.	Men.	Average daily Women.	Number of employed Children.	Total
1922 .. ..	5,144	1,086,457	206,887	67,628	1,361,002
1926 .. ..	7,251	1,008,628	249,669	60,094	1,518,391
1930 .. ..	8,148	1,235,425	254,905	37,972	1,528,302
1934 .. ..	8,658	1,248,009	220,860	18,362	1,487,231
1935 .. ..	8,831	1,860,181	285,344	15,457	1,610,932

In the period 1922-35, the number of factories rose by about 70 per cent while the number of workers increased only about 18 per cent. This is due mainly to the introduction of rational and more efficient methods of work. The number of children employed shows a steady decrease, due to stricter administration and better inspection and certification after the passing of the Amending Act of 1922. (The decrease is nearly 75 per cent.) The number of women employed increased rapidly upto 1930 (depression period) by about 23 per cent and fell by about 8 per cent during the next five years.\* The number of women employed in 1935 was about 15 per cent of the total, the number of children employed being less than 1 per cent. Thus in factories at least the problem of child labour has almost been solved.†

It is customary to divide the Indian Factories into two categories: (1) Those which are non-seasonal or perennial; and (2) those which are seasonal, i.e. which work only for a season or less than 180 days in a year. The importance of this classification becomes evident from the fact that not only the nature of the work, the rates of wages, and housing accommodation, but also working conditions are different in these two classes of factories.

\* See page 15—Special Causes of Unemployment.

† From the Times of India "Indian Year Book" 1940, p. 500.



TABLE XIII.

**Proportion of Workers Employed in Perennial and Seasonal Factories in 1936.**

Category of workers.	Total workers in all factories	Workers in Perennial factories.		Workers in Seasonal factories.	
		Number.	% of total.	Number	% of total.
Men .. ..	1,376,185	1,161,838	84.4	214,847	15.6
Women .. ..	234,206	152,921	65.3	81,285	34.7
Adolescents ..	29,694	20,647	69.8	9,047	30.2
Children ..	12,062	8,814	73.6	3,248	26.4
Total ..	1,652,147	1,343,720	81.3	308,427	18.7

From 'Industrial Labour in India,' I. L. O., Geneva, 1938, p. 44.

The above table shows that there exists variation in the composition of the labour force in seasonal and perennial factories. Thus, seasonal factories, being located in rural districts, employ women, adolescents and children to a larger extent than the perennial factories.

### Perennial Factories

The most important classes of non-seasonal or perennial factories are textile mills and engineering and metal works. Of the textile factories, the most important are cotton and jute mills, which in 1936 employed 427,920 and 289,136 workers. These industries employ considerable numbers of women, adolescents and children; in 1936, for instance, 99,710 women or 42.6 per cent of the total number of women employed in factories, 11,595 adolescents or 38.3 per cent, and 4,825 children or 40 per cent were found in cotton and jute mills.

### Seasonal Factories

The general characteristics of seasonal factories, as defined by the Royal Commission on Labour, are: (1) smallness in size; (2) distribution over wide areas and in regions producing particular crops; (3) recruitment of labour from the agriculturists, most of whom live in their own houses while working in the factories; (4) a rather larger proportion of women among the workers; and (5) lack of skill, low rates of wages and absence of any trade unionism among the workers.

### **Non-Regulated Factories**

Although no statistics of employment are available in respect of them and they are almost entirely outside the scope of Indian factories legislation, some reference must be made to the large number of small undertakings existing in India which are known as 'non-regulated factories'. These factories are of two kinds: (1) those which use power machinery but employ fewer than 20 persons and thus remain outside the jurisdiction of the Indian Factories Act. It has been estimated that the number of such undertakings is not less than 2,000; and (2) those undertakings which do not use power machinery but employ in some cases as many as 50 persons or more—the exact number of these undertakings is not known, but those which employ 50 persons or more have been estimated to be about 1,000.

The most important of these undertakings are mica factories, wool-cleaning, shellac, bidi (indigenous cigarette), and carpet factories and tanneries. One of the 127 mica factories and 15 of 149 shellac factories are regulated by the Indian Factories Act. The indigenous cigarette industry has grown very rapidly in recent years and bidi factories are found in almost all large cities; from less than 48,000 in 1921 the number of persons employed in this industry increased to nearly 148,000 in 1931. All these industries employ a relatively large proportion of women and children. It is estimated, for instance, that as many as one-tenth of the total number of workers in mica factories are children. Although the exact number of children in bidi factories is not known, 'it is sufficiently large in certain areas to constitute an evil which demands immediate remedy.' Bidi making is in fact a 'sweated' industry employing purdah women and girls in their homes as well as young boys in small workshops.

### **Provincial Distribution**

The question of the provincial distribution of the factory industries employing the largest number of workers is a point of some importance as Indian factory legislation, although it is enacted by the Central Indian Legislature, is administered by provincial governments. Moreover, the nature of the labour problems, particularly in connection with the employment of women and children, differs somewhat from province to province.

TABLE XIV.

Distribution by Province of Factory Workers, 1936.  
(Average daily number of workers employed.)

Province.	No. of fact-ories.	Number of workers.				Total
		Men	Women	Adol-escents	Children	
Madras ..	1,584	113,844	44,115	7,584	5,257	170,800
Bombay ..	1,611	324,027	62,652	4,170	922	391,771
Sind ..	282	20,078	4,552	498	161	25,289
Bengal..	1,667	460,742	59,271	9,860	1,862	531,235
U. P. ..	527	140,209	5,611	1,288	364	147,502
Punjab ..	747	53,399	8,155	1,416	992	63,962
Bihar ..	274	80,571	5,565	332	208	86,676
Orissa ..	64	2,411	918	5	12	3,346
C.P./Berar ..	718	42,492	20,294	245	155	63,186
Assam ..	710	32,068	9,583	3,815	1,603	47,069
N. W. F. P. ..	27	1,061	16	72	....	1,149
Baluchistan ..	10	1,696	....	....	54	1,750
Ajmer-Merwara	40	12,455	1,124	4	198	13,781
Delhi ..	60	13,114	343	33	153	13,643
Bangalore/Coorg	17	1,197	530	5	26	1,758
	8,388	1,299,364	222,759	28,827	11,967	1,562,917

From 'Industrial Labour in India,' I. L. O., Geneva, 1938, p. 49.

The above table shows that the principal provinces of employment are Bengal, Bombay and Madras. The table also shows the numbers of women, adolescents and children employed in different provinces, the largest numbers of women being employed in Bombay, Bengal and Madras, while the proportion of adolescents employed is largest in Bengal and of children in Madras.

### Heavy Industries

The theory that industrial work is harmful to women is widely upheld in India and received considerable support in England at one time. Investigations were, however, made, and the Report of the Women's Employment Commission of 1919 stated "The progress of scientific equipment is fast replacing strength by dexterity. Women's future industrial kingdom, therefore, is hardly limited by her weaker muscles, for this is a boundary which is fast disappearing." The same Commission also observed the superiority of the masculine hand and brain for industrial processes to be largely a matter of training. With the betterment of conditions in industry it has now, to a large degree,

become possible for those women who wish to join an industry to retain their health while becoming skilled workers at their job.

The Indian Factories Act, 1911, first prohibited the employment of women for cleaning any parts of moving machinery. Section 37 of the Factories Act 1934, provides that no woman shall be allowed to clean or oil any part of the machinery of a factory while that part is in motion under power or to work machinery which is in motion under power. Again Section 33 of the Factories Act 1934, provides that where a provincial government is satisfied that any operation in a factory exposes any person employed in it to a serious risk of bodily injury, poisoning or diseases, it may make rules applicable to any factory or a class of factories in which the operation is carried on prohibiting or restricting the employment of women. Section 29 of the same Act prohibits the employment of women in that part of the factory for pressing cotton in which a cotton opener is at work.

It is difficult to estimate the exact number of women employed in heavy industries as no figures are available except from the province of Bombay which we reproduce in Appendix No. 9.

On the question of the employment of women in heavy industries, we find the same difference of opinion in the replies of our provincial workers groups.

One section expressed the opinion that in no circumstances should women be employed in industries termed heavy. Another section maintains that work in heavy industry if rationally organised, is not only not incompatible with woman's nature, but on the contrary will be helpful in the widening of her outlook and will hasten her economic independence.

The argument that large scale industrial employment is incompatible with the natural temperament of the Indian woman and that participation in it would prove harmful to women is based on the following grounds:

- (1) In an agricultural country women are of more use on the field than in the factory.
- (2) Factory work will lead to neglect of home and children.
- (3) The strain of work in the factory will be harmful to the health of the mother.

- (4) The entry of women in factories in increasing numbers will lead to an increase in the unemployment of men.

We are of opinion that these arguments will soon become matters of decreasing importance as the future planned order comes into being. Already more than 60 per cent of our population depend on agriculture for a means of livelihood, a percentage which the land can hardly support. This pressure on the land can be relieved by the opening of fresh avenues of employment to women. As has been shown the importance of physical strength in industrial work is gradually diminishing; and with the growth of scientific equipments in the condition of work in most forms of industry, the danger to the health of the women workers will soon cease to exist. The closing of large scale industries to women would not in itself solve the problem of unemployment. The purpose of planning will be to provide work to each individual according to his or her capacity. Once woman is recognised as a separate unit the problem of unemployment, if it continues to exist, will become a general one affecting both men and women.

We, therefore, recommend that all women, except pregnant women and nursing mothers, should be permitted to work in all forms of organised and heavy industries.

### Mines and Quarries

The Indian Mining Industry\* provided whole or part time employment for 404,262 persons in 1931; of this figure 309,454 were in British India, including 235,694 men and 73,760 women, of whom 37,862 men and 8,630 women were engaged in mining only as a subsidiary occupation.†

The work in mines and quarries‡ is divided into three

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\* The provincial situation of some of the mines and quarries and the working conditions in them is stated below :

Coal—Mostly underground work. Bengal, Bihar and C. P.

Manganese ore—Nearly all open workings. C. P., Bihar, Bombay and Madras.

Stone quarrying—Widely distributed in India.

Lime Stone—Quarried mostly in Punjab and C. P., Bihar, Sind.

Iron Mines—Open working. All located in Bihar (Singbhum Dt.).

† Industrial Labour in India, 1936. I. L. O. Geneva, p. 50.

‡ Punjab W. G. : As stone quarries are far removed from food shops employers should maintain truck shops selling requirements at usual market prices. Simple drinks should be provided by employers where work is hard.

Delhi W. G. : Payment of Wages Act of 1936 should be extended to these quarries. Children under 12 should not be employed. Present system of recruitment should be abolished.

categories: (1) underground; (2) surface; (3) open workings. We have already discussed (1) in preceding pages.

The number of women workers in the mining industry\* is about 16 per cent of the total number of workers in that field, being 42,635 out of 269,593. Out of these 138,869 are engaged in surface work, the corresponding number of women being 35,334 or about 25 per cent of surface workers. The problem of child labour does not arise as children are no longer employer in mines.†

## Plantations

The most important plantation industries, from the point of view of employment, are tea, coffee and rubber. Plantations are seasonal industries, and many more workers are employed during the busy season than during the slack season.

Tea gardens employ a proportionately larger permanent labour force than the other plantation industries. The reason for this is that the labour is recruited from distant provinces. A large number of tea garden workers have settled on or near tea gardens.

An important feature of plantation industries is that, in proportion to men, they employ more women than any other form of organised industry. Out of 741,691 persons in 1911 and 1,003,456 persons in 1921, the number of women employed on all kinds of plantations were 350,064 and

\* The following table gives the number of women miners in some classes of mines in the year 1936 :

Class of Mine.	Average number of workers daily	
	Total	Women.
Manganese Ore .. .. .	17,816	7,741
Stone quarrying .. .. .	10,684	1,826
Lime stone .. .. .	7,583	2,993
Iron Mines .. .. .	18,017	8,814

Figures from 'Industrial Labour in India,' pp. 54-55.

† Under the Indian Mines (Amendment) Act of 1935, the minimum age for the employment of children has been raised to 15 and requires a certificate of fitness in the case of boys between 15 and 17 years of age.

474,626 respectively, showing a proportion of 47 per cent in both cases. Exact data on the proportion of women workers in all classes of plantations for 1931 are not available but out of 1,907,126 persons employed as planters, managers, clerks, and labourers in all India in 1921, 693,299, or over 36 per cent were women.

The reasons for this proportionately larger employment of women workers on plantations as compared with other organised industries are:

1. Plantation work is only a special kind of agricultural work, and is, therefore, more familiar to Indian women.
2. That facilities have been given to men workers to settle on, or in the vicinity of the plantations, and to take their wives and families with them.
3. That under the old system of labour contracts, based on the principles of utilising every able-bodied person in the family for labour and of fixing the wage rates accordingly, many women seek employment in order to balance the family budgets. Now although the contract system has been abolished, the wage system and the need for supplementary earnings still remain.

We are unable to make any recommendations regarding work in plantations and mines, as there is very little available information on the subject. We know that evils exist and hence we urge that Government should undertake an investigation into the conditions of work so that more information is made available on which reforms may be based.

### Work in Cottage Industries

In India women have from the earliest times been employed in cottage industries—in most cases as helpers of men and sometimes independently. The following is a list of common cottage industries in which women are engaged either as part time or whole time workers:

1. Bidi making.
2. All processes of cloth making such as ginning, carding, spinning, winding, weaving, etc.

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\* Plantation industries are mostly concentrated in Assam and Bengal in North India and summits and slopes of the Western Ghats and Coorg of Madras Presidency in South India. Assam employs the largest number of tea garden workers. Out of 577,258 total number of workers on books, 370,425 are men, 228,400 women and 78,418 children. The Royal Commission on Labour has recommended the minimum age of 10 for employment of children in tea gardens. (*Industrial Labour in India*, pp. 37-38).

3. Thread making.
4. Rope making.
5. Embroidery and sewing.
6. Silver workers.
7. Basket making.
8. Bamboo, mat, rattan work.
9. Beating cocoanut skin into fibre.
10. Leather work.
11. Gota making.
12. Manufacture of fancy borders and tapes.
13. Blocks for embroidery designs.
14. Hosiery manufacture.
15. Printing (cloth).
16. Toys manufacture.
17. Nivar making.
18. Tikli making.
19. Twisting silk thread.
20. Comb manufacture.
21. Glass decoration.
22. Lock industry and brassware.
23. Reed and cane furniture making.
24. Soap making.
25. Glass bangles making.
26. Bandhani work.
27. Match manufactures.
28. Bricks and tiles.
29. Hand made paper.
30. Vekk-metal casting.
31. Cowdung cake making.
32. Condiment and sweet making.
33. Supari cutting.
34. Cashew nut shelling.
35. Sweet masala pounding.
36. Grinding.
37. Pickle and pappad making.
38. Oil crushing.
39. Sorting grain.
40. Preparation of milk products.
41. Phulkari work.\*
42. Maksh work.

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\* The above list is not comprehensive.



The remuneration received is, however, very meagre and is insufficient for an independent living.\*

The need for the development of cottage industries has been generally realised. But there is still some confusion in people's minds as regards the place cottage industries will occupy in the new plan in relation to large scale industries. A doubt also persists as to their ultimate success in competition with large scale industries. The question should be viewed from a different angle. Cottage industries are essential to India at the present time. They are not required to compete but to supplement large scale industries by acting as a means of subsidiary employment. There should, therefore, be no conflict but a greater co-ordination leading to a better development of both industries. This is a matter for planning by the State. It is interesting to note that in Assam spinning and weaving are considered necessary qualifications for a girl for marriage. The girl who is a good weaver can count on making a good match. Weaving has, therefore, become an important cottage industry; and through it many women have had the chance of becoming economically independent.

Cottage industry as a subsidiary or principal occupation is helpful in satisfying the needs of many people. It helps the agriculturist to supplement his meagre income, and also gives him an occupation during the time that he is free from his agricultural activities during a part of the year. Spinning and weaving are some of the industries he resorts to and the products are often used for the consumption of the family, but where he has a desire to seek a market the goods have to be improved. It is here that the State can

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\* Gujarat: All things required for the house should be made as far as possible in the villages, e.g. cloth, pottery, toys, etc. The idea is to replace imports and save money. Investigation of local conditions necessary. Small handicrafts like envelope making, canework, etc., should be begun on a small scale. A system of co-operative stores should be provided to advertise and sell these goods. At present in Gujarat cottage industries can never enable a person to support his family but can supplement family income.

U. P.: Women cottage industry workers usually belong to the lower strata of society and their families are usually in debt. Necessity for co-operative organisation for the purchase of raw materials. Rural development stores have been opened in several districts of the U. P. which seek to eliminate the intermediary by buying goods direct from the villager at a fair price. During this short term of existence they have become increasingly popular.

Madras: Earnings meagre as compared with work in factories. Further income from cottage industries irregular and uncertain. At present out of 50% of women who work not even 20% make a reasonable income. Chief difficulties regarding spinning, weaving are superiority and cheapness of machine made cloth.

help him, i.e. by teaching him to improve his craft and helping him to market his products.

Then there are a class of people who make cottage industries their chief occupation in life and whole families are often engaged in the work. In their case the problem assumes a more serious aspect as their very livelihood depends on the sale of what they produce. This class of people require State help most. The State can assist them in several ways: (i) by subsidising the industry; (2) giving him proper guidance to select such an industry as may not have to suffer through unequal competition; (3) giving them training so that they may improve their goods; (4) guide them to study the market and the requirements of the consumers; and (5) lastly by helping them to market their goods in the best way possible.

Then come the people living in industrial areas where cottage industry again helps as a supplementary occupation to those who are employed, and serves as a chief occupation for those who are unemployed. In this category we would also like to include those women who for some reason or other are not able to take up a full time work outside home and yet would like to earn an independent income. When the Plan is fully advanced, perhaps, this question will not arise as women will have ample means to earn an independent livelihood. This only affects women specially in the upper and lower middle classes who have lived a sheltered life and are unable physically and mentally to adjust themselves to the new order. Some women however may be obliged to live at home due to the illness of their children, and would like to do something in their spare time which might bring them an income. We feel that every individual should be taught some handicraft on which he or she may have to fall back in case any such emergency arises when work outside home may not be possible.

Cottage industries may be divided into two types:

(1) Those which produce goods only for home consumption and family use; and

(2) Those which produce goods for sale in the market. The difficulties in marketing the second class of goods are tremendous. The villager has only two alternatives open to him. He must either sell his produce to some intermediary who will underpay him and will sell the produce at a much greater profit in the city, or he must take his goods from

time to time to the city himself. In this latter case he is also subject to exploitation by the purchaser.

### **Revival of Cottage Industries**

Various influences have contributed in recent years to the rehabilitation of cottage industries. Among these influences may be mentioned the development of nationalism which has given rise to Swadeshi and the Khadi movements thus creating a new demand for indigenous products and giving new impetus to village industries. It is difficult to estimate the capacity of various cottage industries. The only authentic information that has been available is from the All India Spinners' Association's Report from which important facts are given in Tables XV and XVI.

The all-India organisations which aim at the revival and development of cottage industries are:

1. All India Spinners' Association.
2. All India Village Industries' Association.
3. Provincial Governments:
  - (a) Rural Development Activities.
  - (b) Industrial Department of Provincial Governments.
4. State organised activities.
5. Co-operative movements:
  - (a) Government aided.
  - (b) Private.
6. Women's institutions working on the lines of teaching handicrafts.
7. Village activity centres, such as Ashrams, running industrial schools with other educational activities.

### **TABLE XV**

The following are taken from the Annual Report for 1938 of the All India Spinners' Association.

#### **Women Workers**

Mention may be made of the efforts made by some of the branches to engage women workers for imparting instruction to the spinners in carding and spinning. The work of imparting training is bound to be facilitated considerably, if competent women workers become available for carrying on this work. The figures of women workers in

the various branches are given below, and it is hoped that other branches also will make effort in this direction:

Province.	No. of Workers.
Andhra.	4
Behar.	8
C. P.-Maharashtra.	2
Gujarat.	1
Kerala.	2
Punjab.	3
Tamil Nad.	12

TABLE XVI.

Spinners Benefitted.  
Number of Registered Spinners.

Province.	A. I. S. A.		Certified.		Total.	
	1938	1937	1938	1937	1938	1937
Andhra ..	15,468	8,008	9,463	5,463	24,931	13,471
Assam ..	2,292	1,477	....	....	2,292	1,477
Behar ..	59,896	27,387	Not recd	24	59,896	27,411
Bengal ..	17,912	10,307	891*	1,366	18,803	11,673
C. P.-Maharashtra	8,335	15,643	....	....	8,335	15,643
Gujarat ..	153	52	2,099	....	2,252	52
Karnatak ..	10,602	3,602	6,235*	3,343	16,837	6,945
Kashmir ..	1,016	680	....	....	1,016	680
Kerala ..	5,268	2,697	....	....	5,268	2,697
Punjab ..	17,122	7,011	10,615	2,375	27,737	9,386
Rajasthan ..	5,888	4,856	5,854	3,032	11,742	7,888
Sind ..	1,492	1,492	....	....	1,492	1,492
Tamil Nad ..	54,047	34,304	2,856	8,839	56,903	38,143
U. P. ..	28,646	30,953	12,242	8,567	40,888	39,655
Utkal ..	3,008	883	480	....	3,488	883
Total ..	2,31,145	1,49,352	50,735	28,009	2,81,880	1,77,496

From pp. 27 and 9.

It has been found that the handicaps to the organisation of cottage industries are numerous. Lack of capital and the inconsistency of demand are handicaps which prevent development. There is the presence of the middle man who pays ridiculously low wages or prices to the villager but derives enormous profits. The lack of technical knowledge and improved methods and the lack of organised marketing, all make the development of the cottage industry a difficult task. We feel that these defects should be immediately remedied.

\* Figures incomplete.

**Recommendations:**

In industrial areas an effort should be made by the planning authorities to co-ordinate the main industry with the cottage industry in such a way that extra population which settles down with the worker in that area also gets employment. We understand that in Japan and in other small countries in Europe some of the industries have been planned on these lines.

**Work on the land**

In all agricultural communities women have worked side by side with men. The number of women engaged in agricultural pursuits is more than 28 million out of a total of 110 million agricultural workers. In the Indian villages woman shares equally with man all the work on the field except ploughing. Over and above this work she has also to perform her duties in the home.

**Work in the Field:**

The nature of this work is of various types such as that of:

1. Sowers;
2. Weeders;
3. Reapers;
4. Cleaners;
5. Bird scarers;
6. Winnowers;
7. Carriers;
8. Rush and firewood gatherers.

**Types of Workers:**

The workers are classified into (1) those who earn a wage, i.e. the hired labourers; (2) those who get no wage for the work they do, i.e., those members of the family—the dependents—who receive no payment in cash but are maintained from the family income. These include widowed mother, wife or wives, daughters and widowed relatives; and (3) the serfs.

The hired labourers are again divided into three classes: (a) farm servants who number about 3.3 million; (b) field workers who are about 18.3 million; and (c) casual labour for which no figures are available. No different figures are available regarding the proportion of men to women hired labourers in agricultural work. It is also very difficult to

get authentic information with regard to the standard of wages for both men and women as the conditions differ from district to district. Yet from a few inquiries conducted by research institutions and individuals some information as to the trend of wages is available which is given in Appendix 8. We cannot, however, base our conclusions on such scanty data. One thing, however, seems to be clear that where women and men work for wages on land other than their own, men receive payment far in excess to that received by women for doing almost the same amount of work. We, therefore, recommend that this should be changed and that no distinction on the ground of sex be allowed in regulating wages.

With regard to the second category of workers, viz., the non-wage earners who are mostly women members of the family described above, their lot is very hard indeed. Besides doing work at home, they are required to help men on the land. From early dawn to late in the evening their hands are full what with the work in the home, and what with the work on the fields. They supply very cheap labour to the man as the only return they receive for their multifarious work is their maintenance. This leads very often to the man marrying several wives in order to get more unpaid hands to help him with the work.

This form of exploitation by men of women, specially the helpless widows who are dependent on them, is most undesirable and must be condemned. Their work must be recognised as coming within the economic category and they must receive all the protection from the state in the same way as women workers in the city engaged in other forms of labour. We, therefore, recommend that the economic value of woman's work must be recognised; and in lieu of cash payments, she should have the right to claim all facilities given by the State to other workers, viz. (a) medical help; (b) creches; (c) better conditions of work in the home as well as on the field; and (d) training for the work she is required to do.

With regard to the third category of workers, viz., the serfs, we shall deal with it separately as it is a problem by itself.

### **Work in the Home:**

There are two aspects to the question of work in the home, viz., (i) work done by the housewife; and (ii) work done by the domestic servants. Here we shall concern ourselves with the work of the housewife.

The majority of people in India are unable to afford servants and all the domestic work falls to the share of the woman in the house. Among the working classes this work is shared by the man doing the heavy work such as cutting wood, bringing water from a distant well or tap, etc., and by the woman doing the cooking, cleaning and the looking after of the children. In the middle classes, however, domestic work is done by the woman alone, the man of the family looking upon it as something not in keeping with his dignity. The woman of this class is consequently heavily burdened and rarely has time to take part in any activity outside the home. In the new social order we envisage, home will not be considered to be an exclusive sphere of woman's work. When both man and woman are wage earners, each will contribute his or her share to the expense of running the home as well as share the actual duties and responsibilities of the home, i.e. cooking, cleaning, washing etc. Man will learn to look upon home work as something not below his dignity. This will save the man from his present helpless position when the wife is ill or away from home. Training in domestic science is, in our opinion, as important for man as it is for woman.

In this, however, we are discussing the problem of the housewife, when the entire burden of home work falls on her.\* We feel, that this work, which at present receives no recognition either from the State or society, should be recognised as having an economic value and that work in the home should not be considered in any way inferior to the other type of work done outside the home.

The real function of the woman is not merely to cook, wash and attend to the needs and comforts of the family, but also to create a cultural environment in the home for the proper nurture of the children. It is also for her to some extent to fix the standard of life which today is very low in this country. This great function of the woman as the home-maker, however, is not unfortunately realised in this country in its true sense, the woman having neither the education nor the training for it. The result is that the average woman here is reduced to a drudge who slaves from morning till night and gets no recognition for the work she does. Man is the bread-winner and as such is

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\* Appendix 10.—Woman's Work in the Home (Statistical Information from U.S.A.). We are reproducing in this appendix some interesting information re. the importance of the home maker in the economic status. Such information is not available in India. We feel that such investigation, if undertaken, would prove most useful in proving the arguments we have advanced in this Chapter.

considered more important than the woman who merely spends what he gives. The fact that she also indirectly contributes to the family income through her labour is hardly recognised. Her dependence on man for everything she wants has thus reduced her to the position of a slave. This social degradation has brought into contempt the work of the woman in the home. Unless, therefore, the home worker is considered as much a productive worker as the one who is engaged in work outside home and is given the annas or pies in the same way that the work of those engaged by workers in, say, industrial labour, it will be difficult to raise the dignity of labour in home. We realise that the woman's work in home cannot be translated into rupees, annas or pies in the same way that the work of those engaged in other kinds of labour is, but there are other ways and means of recognising it. We recommend that:

1. Woman should have an absolute control over some part of the family income;
2. Woman should have a share in the husband's property which he cannot will away; and
3. The husband should give his wife's share of the contribution to any social insurance scheme that may be introduced by the State.

With regard to leisure, we are aware that it would be difficult to fix hours of work in the case of woman working in home. It is, however, as essential in her case to have some time at her disposal to utilise it for self-improvement. We, therefore, recommend that:

1. Labour saving devices may be introduced in the home which will relieve her of the drudgery of her work; and
2. Creches should be established by the State where she can leave her child or children whenever she wishes to be free.

We have already referred to the fact that the average Indian woman today lacks the education and the training for the task of the home-maker she is called upon to perform. Apart from the general education which should be provided to both boy and girl, we very strongly recommend that facilities for training in domestic science should be made available to all.

### **Domestic Service:**

Domestic service in India is not organised and the domestic servants are perhaps more oppressed than other



categories of workers. There are two types of domestic servants in India—those who work as whole time servants and those who do part time work of cleaning and washing for three or four or even more families.

### **Conditions of Work:**

While some well-to-do families pay from Rs. 20 to 30 per month to a woman servant, the wages given by the middle class family range between Rs. 3 and 10 per month. The girl serving in the average family is treated like a drudge and is expected to be on duty at all hours. In some places minor girls are adopted and trained to work in families. Their wages are not paid in cash and they are merely given food and clothing in lieu of payment. Occasionally the mistress helps them to get married and the money due to them is spent for this purpose. This custom is, however, open to abuse and girls are often in danger of victimisation by some male member of the family.

Domestic servants particularly in large cities rarely have any living accommodation. They are made to sleep in passages and balconies and where a room for them exists it has to be shared by the men and women servants, leaving no room for privacy and often resulting in the victimisation of the woman servant.

The hours of work are not fixed and the average servant is expected to be within call throughout the twenty-four hours of the day. They have no regular holidays and no time or place where they can meet their friends or relax after the day's work. If they are ill they are sent home or allowed to lie in some corner till they recover—very few servants are provided with facilities, medical treatment and care. Terms of employment however vary from household to household.

The part time worker who works for three or four families is usually a widow or deserted woman who in return for washing and cleaning receives Rs. 2 or 3 from each house.

### **Training:**

With the exception of some missions where Christian girls and boys are given some sort of training, there are, at present, no institutions in India where domestic servants are trained.

**Recommendations:**

Some regulations concerning hours of work, holidays, wages, health, etc., are very necessary. We recommend that the following suggestions be adopted;

1. Compulsory registration of all domestic workers.
2. Establishment of training centres.
3. Formation of domestic workers' union, registered and recognised by the State.
4. Half day holiday in every week and 15 days annual holiday with pay.
5. Provision for adequate housing facilities.
6. Fixing of a minimum monthly wage.
7. A scheme of social insurance should be introduced.
8. Establishment of recreation and education clubs.
9. No girl under fifteen should be employed as a worker.
10. Girls and boys under 18 should not be given full time work.
11. Fifteen days' notice on either side before terminating service should be made compulsory.
12. Employment bureaux should be opened in every town.

**Prostitution:**

We have referred to prostitution in this Chapter as an occupation followed by a number of women. It is, however, a profession, which is anti-social from which women require protection. As the causes which lead women to this trade are as much social as economic we shall deal with this problem in another section.

**Serfdom:**

Serfdom in India has no legal sanction. It exists in various forms of agricultural labour in different parts of India. Serfs are exploited and in some instances their women are used by the landlords or superior officers for their personal gratification. As we have already mentioned, the method of recruiting agricultural or domestic labour through the serf system has no legal sanction; and there are various clauses in the present law which safeguard a person

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\* **Housing:** As we have suggested under Heavy Industries, no buildings for residential purposes should be allowed to be built in any town planning scheme, urban or rural, unless adequate provision for servants' quarters with proper sanitation arrangements are made.

from the tyranny of serfdom. Yet by social custom serfdom is practised and the self has to submit to the tyranny and harassment of his masters. Many a time priests co-operate in this tyranny. The serf himself through tradition has come to believe that there is no way out of his misery. There being no law against this form of tyranny, serfdom of adults cannot be made an offence under the Penal Code. Only intensive agitation and propaganda as well as provision of special facilities to such persons who have no other means of livelihood can eradicate the evil from society. It is very necessary to create self-respect and consciousness of their civic rights amongst serfs and also amongst their masters in regard to their relationship with the serf.

Some of the types of Serfdom are:

### **Halpathis or Dublas**

In Gujarat this sort of serfdom is mostly found in the Surat district. A small loan of money at the time of marriage is the root cause of serfdom in this system. Loans are such that there is no possibility of repayment and the serf is required to render personal services so long as the loan remains unpaid. The children of the serf are not permitted to attend schools, and are required to graze the landlord's cattle or to do small domestic services. At times, if an adventurous Dubla runs away and makes a bid for liberty, he is soon traced, given a thrashing and dragged back with the help of other agriculturists and with the illegal help of police and government officials. Serious objection is taken to public workers paying visits to the Dubla localities by the cultivators in the same way as people object to strangers visiting their own cattle yards.

Since the last twenty years continued propaganda and educational activities amongst the Dublas as well as amongst their masters were carried on by social workers. With an increase of goodwill on both sides, on 26th January 1939, about ten thousand serfs were liberated by declaration at a special function held for the occasion. This movement was successful because of the total prohibition introduced in the area by the Congress Government, and because village officers and police stopped giving illegitimate help to the agriculturists to keep their hold on the Dublas. Since the day of liberation the Dublas are now called Halapathis or Masters of the Plough.

**Khawasans**

These are a class by themselves and are attached mostly to the Zenanas of the ruling princes. They accompany the bride from her father's house and the dignity and wealth of the family is determined by the number of women who accompany the bride. These women are completely dependent and are more or less in the position of serfs. They are paid in kind by the royal family. They can be married at will by their masters, or can be kept as mistresses by them. This system will go with the change in outlook among the zemindars and ruling princes as well as amongst the Khawasans themselves as a result of education and propaganda.

**Kamias**

In Bihar, in the excluded areas of Hazaribagh district, there exists a system called the Kamias. They bind themselves to serve their masters and to whatever menial services are required of them at the time of interest due on the loan they have received. This system is hereditary. The serf cannot bargain for his wages. Usually it is one third the day's wages for free hired labour and so he has no chance of repaying his debt. Orders for the abolition of the system have been issued but serfdom can only be uprooted if all agricultural loans of more than a prescribed amount and period are wiped out. We have tried to collect further information on the systems of various types of serfdoms such as Vetdars of Konkan and Porees or Chokarees of various hereditary serfdoms, and children pledged to or purchased by rich zemindars and treated like serfs, but have not been able to get any detailed information till now. As regards the latter the attention of the Royal Commission on Labour was drawn to this system; and on the Commission's recommendation, the Children's Pledging of Labour Act came into existence. This Act does not apply to Indian States as already mentioned in preceding pages.

**Recommendations**

1. Vigorous propaganda and educational activities should be carried on amongst the serfs and a consciousness of their civic rights and of their self-respect should be created.
2. All loans of more than a prescribed amount or period should be wiped out and facilities to provide credit through banks should be made available.

3. A scheme should be provided to safeguard the interests of the aboriginal tribes and to carry on educational activities amongst them.

### **Trade Unions**

Membership of Trade Unions is a source of considerable strength to all workers. So far, except for manual labour, the number of women employed in professions and other whole time occupations have been so small that the need for a co-ordinative and protective organisation has not been felt. But with the increase in the number of women entering the economic battlefield, trade unions to protect their vital interests have become essential. Within the unions themselves, we find that there is a lack of women organisers. Educated women from outside are also not forthcoming as workers, because as most of the union work is in the evenings they find the timings unsuitable. We feel that the increase of women organisers both within the trade union organisation and outside it is vital. The social backwardness of workers is one obstacle to organisation. Lack of education, illiteracy and great divergences in education combined with castes, early marriages, early motherhood and responsibility of children and the prevalence in many cases of contract labour, the Muccadam system, and lack of organisers in labour unions make difficult the task of effective unionisation.

The scattered nature of employment over vast areas and in small numbers, encountered specially amongst women workers in domestic employment or in agriculture is another obstacle. This can be overcome by providing local bureaux for registration with co-ordination at the centre. The need to provide union fees or contributions also appear to them to be deductions from their very slender wages or income, but we feel that they will get over this difficulty once they realise the benefits accruing to them through protective organisations.

Women workers, particularly in agriculture and in individual homes, are not remunerated as a rule in money; and therefore any form of association which requires periodical contributions would be practically impossible for them. Most women workers are married; children and house work leaves them little time to devote to trade union activities. To overcome this, trade union activities should be carried on as near to the workers' residences as possible; and intense propaganda should be made to make men realise the neces-

sity for their wives to enrol themselves as members of trade unions pertaining to their respective occupations. Till the system of universal creche centres under the universal social service scheme comes into existence, if trade unions provide for such facilities in their premises during the time of their union activities, we are of opinion that women workers will take greater interest in them. This facility should only be available to such women who come to union centres for participating in union activities.

Women workers in independent professions or public services such as teachers, nurses and certain branches of public administration have yet to appreciate the full value of unionization. Professional workers, whether men or women, are averse to becoming members of unions except in so far as such public corporations as the Bar Council, Medical Unions and the Architects' Society, etc., can be considered to be a form of trade union. In public services again and in clerical and commercial or more remunerative walks of life, women hitherto engaged as workers may not infrequently be regarded as trading on their employment to find suitable husbands rather than taking employment as effective careers for themselves. This makes them averse to all the discipline and devotion to the profession or service which would be an essential pre-requisite to membership in a trade union.

If, in the face of these handicaps, the spirit and membership of trade unions is to be encouraged amongst women, some form of direct or indirect compulsion is necessary. Under the plan it may be advisable to provide that all workers who seek employment in any branch of industry or occupation in any way connected or regulated by the planning authority, must be members of some union, whether that of their immediate place of work or of some form of National Federation common to the whole of that industry, occupation or employment. A compulsory membership of this kind will not appear burdensome, if to such compulsion are added specific advantages. What is vital is that all such benefits should be demonstrated to the simplest intelligence. The deduction of contributions, moreover whether as union fees or by way of insurance or by other method of contribution collected and administered by the union, if made at the source, would not appear to be a deduction to the worker, and therefore, would not be missed as much as if the contribution had to be made personally by the individual worker.

Lastly all dealings between the State or the employer and the worker should be compulsorily conducted through the union only, so that every member has a living interest in the strength and importance of the union. The principle of 'collective bargaining' between the representatives of trade unions and the employers' organisation in any given trade, industry or occupation (including work in Government departments and public bodies) will thereby be promoted, and the organisation of workers, whether in a local factory, in a given region, a province, or the whole country, will be simplified.

### Recommendations

Trade Unionism amongst women of all categories must be encouraged. By facilitating collective bargaining, it will give them strength and help to protect their civic and economic rights. Trade unions should consist of both men and women workers, and the rights of women should be safeguarded equally with those of men.\* We are entirely opposed to separate trade unions for women. By recommending this we would like to draw the attention of the Planning Committee as well as the Trade Unions to the

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#### \* Provincial Workers' 'Groups' opinions :

As regards the administrative organisation of trade unions, opinion from the States and provinces is divided. One group holds that where women work with men it is desirable that separate committees should be set up within the trade unions to deal with questions pertaining to women. Vital care should be taken to see that the common interests of men and women do not conflict as employers are there ready to exploit any such situation to the detriment of women.

The second opinion is that there should be a separate woman's trade union divided according to various trades and professions employing women. Work guilds should be established in each trade or profession protecting and co-ordinating the common interests of men and women. The women's trade unions should have representation in these guilds. These organisations should insist on the following protection and should see that in the enforcement of these women are not thrown out of employment.

1. Exploitation of women employees. Wage schedules should be laid down along with maternity benefits, canteen arrangements, recreation rooms, proper sanitary arrangements, creches, etc.
2. Regulations of hours of work and age.
3. Provision for sick leave and holidays with full pay.
4. Unemployment and health insurance.
5. Benefits under the Workmen's Compensation Act.
6. Minimum prescribed number of women where they have to work side by side with men.
7. Employers to be made responsible for any breach of security of women workers in isolation.
8. Use and knowledge of safety devices.

In so far as this latter opinion involves discrimination on grounds of sex, it ought to be the concern of the planning authorities to discourage such practices.

present attitude of some of the Trade Union organisers towards the problem of women workers. It has been brought to our notice that in order to increase the level of men's wages, some of the officials of the Trade Unions have accepted the principle of the family as the unit in place of the individual; and during negotiations with employers have agreed to an increase in wages of men employees and have consented to married women being thrown out of work. Also while dealing with the questions of rationalisation\* some organisers have agreed to women being replaced by men.

This has resulted in many instances in the creation of new problems amongst women wage earners. The same complexes that exist amongst middle class women, like inertia, are slowly penetrating into the working class women wage earners who have been thrown out of work. It is hard for them to reconcile themselves with the new conditions because as soon as a woman worker loses her right to earn, she becomes a dependent and has to submit to the control of the man wage earner. This dependency and the problems that go with it have made the women workers' life

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\* Terms of Agreement settled between the *Ahmedabad Millowners' Association and the Labour Union in Delhi* on 13-1-1935. *Clause 5*: The principle of rationalisation is accepted subject to the safeguard that the process of rationalisation would be carried out in such a manner as to avoid imperilling the health of the workers and avoid creating unemployment among the existing employees of Ahmedabad mills except in the directions indicated in clauses below.

Suitable machinery to be created for the proper regulation of the process.

*Clause 6*: Unemployment incidental to rationalisation will be confined to:

- (1) Married women whose husbands are benefited by the rationalisation process.
- (2) Persons whose connection with the industry is of less than a year's duration.

Any person in the above category who are thrown out of employment in consequence of rationalisation will be given preference over new persons in filling vacancies.

*Clause 8*: The mills may proceed with rationalisation from and after the 1st April 1935 provided that it may be started forthwith (that is from now) in the following cases:

- (1) In counts above 27's warp and 31's weft.
- (2) In counts above 18's in mills which start night work or where new machinery is started after 31st December 1934.

*Clause 9*: A scheme will be devised so that no new persons can enter the specified groups of mills till vacancies are created; and for this purpose all the existing employees in such groups of mills and those whose claim to re-employment is not debarred under *Clause 6*, will be registered before 30-6-1935. This clause will apply only to such mills as are desirous of adopting rationalisation under this agreement.

(From 'General Wage Census,' Part I, Appendix E, Labour Office, Govt. of Bombay.)



full of irreconcilable hardships. Usually trade unions are vanguards of new ideologies. They stand to safeguard the interests of the exploited and advocate social changes in the interests of the oppressed. We deplore this attitude, and hence we strongly recommend that trade unions should accept the principle of equality between man and woman and recognise the individual as a unit. They should realise that even though the number of women workers in their unions may be comparatively small, or they may not have been successful in enrolling any women members at all, yet they represent the interests of workers irrespective of sex. The trade unions exist to safeguard the rights of these workers. It is up to them to see that their attitude does not by doing justice to one group create new problems amongst the less organised group of workers, i.e., the women.

Special propaganda must be carried on and training facilities should be given to women who wish to take up the career of organisers in trade unions.

Trade unions must be democratic in organisation to be welcome to all workers. Every individual member of the union should have an equal chance to rise to a position of control and authority. This will be more necessary as the union increasingly becomes the medium for all forms of collective bargaining, and for the administration of all insurance benefits, etc. An unwritten tradition has hitherto made it difficult for women members of trade unions to rise to important positions on such unions. The governing authority in labour unions is still more frequently in the hands of outside intellectuals.

If planning authorities do not wish to frustrate the very purpose of planning and if they wish to establish unions based on democratic postulates as opposed to unions which have become the close preserves of a selected oligarchy, they will have to make an increasing effort to see that the governance of these unions becomes more and more the charge of the workers themselves.

Though the trade union is here conceived as exclusively an organisation of workers, it is not intended to necessarily oppose or conflict with the interests of the employer even though he may not be a member of the union. Co-ordinated work in accordance with the principles and legislation governing labour will be the aim of planning authority.

Accordingly whether the employer is the State itself, through the central or provincial governments, or some

public authority like a municipal council or any industry or occupation regulated by the planning authorities, he would have to conform to the common objective employed in the National Plan. There would be no inherent opposition of interests between employer and employee.

It has not been possible to collect all-India figures of the number of women members of trade unions.\* So far, membership of women has been negligible and no separate figures have been recorded. This is due to a paucity of women organisers. Women are not so much disinclined to organise as they lack the necessary initiative. Where such organisers have been available, a good response has been shown by more and more women availing themselves of the opportunity to organise. We suggest that all trade unions and employers keep a separate record of all women and children members. This will not only serve as valuable information as far as the number of existing membership is concerned, but will also be useful to register the progress in membership.

#### **Insurance:**

Benefits are offered by life assurance companies in the form of life assurance policies on own life. Apart from voluntary insurance of this nature there is no provision for insurance for women in this country to provide for common contingencies of life.

Compulsory provision for insurance against certain contingencies of life to which woman is exposed will be made under the Plan on the same lines as corresponding provision for a man on a universal contributory basis. As worker in any recognised 'walk of life, the Planned Society would see to it that all the contingencies of working life to which a woman is exposed in the course of her work, will be provided against by some form of contributory insurance. If the work of the woman is at home, her normal risks or contingencies of life will, nevertheless, be similarly safeguarded against by the State, assuming the duty to provide for all these contingencies as an integral part of Planned Society. The where-withal for this provision will have to be derived from general taxation just as much as a contribution towards the workers' insurance fund for the various contingencies of the workers' life will have to be met from general taxation.

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\* Appendix 10—Comparative Membership in Trade Union.

In proportion, however, as the plan develops, the contingencies which we now consider necessary to be insured against specifically will lose their importance, not because such contingencies will cease to occur but because other more normal and regular provision will be made permitting them. Thus, for example, Health Insurance may be necessary to provide on a basis of contribution by the workers, the employers and the State, while the class society, with such different divisions of population, continues. But if the Plan results in bringing about a classless society in which all the members are equal *inter se* and have the same opportunities as well as responsibilities, the provision for the health of the community and of the requirements in times of sickness, invalidity, accident, disability, etc., will have to be made by the general contribution of the community as a whole, distributed on each individual member according to his or her ability, and in conformity with prevailing economic systems of the time. But it would be necessary to make each individual insurer make his or her contribution specifically to guard against a particular risk.

Insurance of whole lives, or for securing old age pensions, or to provide the means for higher education of one's children, or special requirements for the marriage of one's children, will be unnecessary, as when the Plan develops all these contingencies will be either generally provided for or done away with or will be unnecessary to guard against in the manner in which, in the present society, we have to provide for such contingencies.

### **Taxation:**

When woman is made a unit, and becomes directly the subject of consideration by the State or its organ of action, the Government, she would be liable to burdens of taxation and other obligations imposed by the State on the same lines as man has been uptill now. She would have to pay her own income tax, though she is living in the family; she may of her own accord add her income to the rest of the family income. Exemption from the taxable income will be allowed to her as to any individual worker and taxpayer on the basis of the minimum necessary to maintain a given standard of life. The same rule will apply also, whether the income is in her own right or of the family in the aggregate family income. If her work in the home absorbs all her time, that work should be also recognised; and the income earned by her husband which

goes to maintain their combined family would be liable to rebate in recognition of the services rendered by the wife to the household. Just as the gross earnings of any professional man are liable to deduction on account of expenses incurred for earning the income, so also will this deduction be made for the benefit of the housewife working at home. The detailed regulations, in connection with such rebates and exemptions, will have to be especially worked out in Planned Society.

With the progress of the Plan, however, the level of taxable income would, very likely, fall in number as well as in importance; and the scope of the income tax will have to be considerably modified or restricted. If all earnings are more or less equalised with such variations from the form as are permitted, in very limited cases, the basic economic justification for charging an income tax would very much weaken.

The same would apply also to other forms of direct taxation which fall upon income or property. Woman, of course, would be entitled to property in planned society on the same terms and conditions as man; and, therefore, so long as the institution of private property continues she would also continue to have her obligations and responsibilities in regard to such property. The devolution of property, or any other way of transfer, if made liable to taxation, would fall upon woman in the same manner as upon man, at the time when property passes from the dead to the living or from the living to the living. Death duties, or estate duties, legacy tax, and the like, will, accordingly have to be borne so long as private property in all its incidence of bequest and transfer continues.

With the progress of the Plan, however, it is more than likely that the institution of private property will be radically recast, if not dispensed with altogether. In proportion as this change is affected, the scope and importance of such taxes on property, death duty, or estate duties, legacy duties, and the like would be reduced.

## CHAPTER III

### PROPERTY RIGHTS

Private property is the root cause of many inequalities. In a planned society the object of which will be to regularise and control the acquisitive impulses of man, efforts will, we hope, be taken to levelise inequality by placing property in its true perspective, so that it is no longer mistaken for privilege and power; and so that every man, woman and child within the country has an equal opportunity in life. This does not mean the negation of the right to private property. It simply implies the recognition of an identity of response to primary needs and the claim of each citizen on the social dividend.

So long, however, as the very foundation of society is based on a system of private property, woman cannot claim equality with man unless she has the same rights as man to hold, acquire, inherit and dispose of property. These rights though not absolutely denied to the Indian woman are not enjoyed by her on the same basis as man. The basis of enjoyment varies according as she belongs to one or the other community, these rights being governed by what are known as the personal laws of different communities existing in India, viz., the Hindu, Muslim, Parsee, Indian Christian, Jew, etc. This has resulted in the lowering of her status in the eyes of law and society. It is, therefore, essential that these legal inequalities be removed and her rights to property put on the same footing as that of man.

In addition to the diversity of laws existing amongst the various communities, the law is different for different sections of a particular community and sometimes varies from province to province according to the school of thought that prevails. It will take years before it may be possible to change these laws and remove the inequality that exists. But apart from that question, no rational plan can entertain such communal diversities which result in inequalities among men and women governed by the same state. We, therefore, recommend that a common civil code for the whole country based on the fundamental principle of equality between man and man and between man and woman be evolved incorporating the best points of the personal laws.

A modern state almost invariably has a common civil as well as a common criminal code, for its citizens. A recent well-known instance of the adoption of the common civil code was that of Turkey. A common civil code should, therefore, be evolved in India, just as we have a common criminal code. This new code will have three branches at least:

- (i) The Inheritance and Succession Law on the basis of the Indian Succession Act;
- (ii) The Divorce Law; and
- (iii) The Marriage Law.

For this purpose we recommend that the National Planning Committee should appoint a Committee of experts, both men and women, to work out the details of the new code which should be enacted on an optional basis to begin with but should be made universally applicable within a reasonable period of its passing into Act.\* In the meanwhile, however, we feel that some changes in the present laws are immediately necessary in order to remove the existing disabilities.† We shall discuss the different systems of law as to how they affect the woman's property rights and make suggestions for their immediate improvement.

The personal laws have been changed from time to time to meet the changing conditions of society. We therefore, do not hold with the orthodox opinion that the personal laws cannot be touched or altered.

### **Hindus:**

We shall take up the Hindu law first as it affects the largest number of people in this country. The Hindus are governed by the Hindu law laid down in the ancient codes and other sacred texts, interpreted by the Privy Council and later supplanted by enactments. Property known to Hindu law is of two kinds:

- (i) Joint Family Property or Coparcenary Property; and
- (ii) Separate Property.

### **Joint Family Property:**

This property devolves by survivorship and on the death of a member of the coparcenary goes to the other survivors who are always males. A male acquires the

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\* Appendix 12.

† Appendix 18—Legal Reforms in Indian States.

right to this property by birth.\* Woman has no right to the property as she cannot be a coparcener. Women are entitled only to maintenance and marriage expenses and the right to residence.† No woman—wife, sister, mother—is entitled to a share in the Joint Family property; the brothers and uncles take everything by survivorship. But now, the Hindu Women's Right to Property Act of 1938 as amended by the Hindu Women's Right to Property (Amendment) Act of 1938 confers upon the widow of a member of an undivided family the right to inherit his coparcenary interest. She is expressly empowered to claim partition from the coparceners. She takes only a life estate.

### Separate Property:

This devolves by succession. In case a man dies, his heirs, according to Hindu law, are his Sapindas,‡ next Samanthakas,§ and then the Bandhus.¶ Among the Sapindas the following is the order of succession:

Son, grandson, and great grandson take the property together and form a coparcenary. Thereafter widows, daughter, daughter's son, father, mother, brother, brother's son, brother's son's son, etc.|| Each of these take the property to the exclusion of the rest. Property is not broken up into fragments and divided between the heirs as is done under the other systems of personal law in India, but it is retained as a whole and taken by these classes of heirs one after the other.

### Limited Estate:

The widow, when she inherits property, takes what is known as the widow's estate as limited estate in property. That is, although she holds and represents the property, she has not the same powers of disposal over the property as an absolute owner. She can only alienate the property for what is known as legal necessity or the benefits of the

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\* Kerala (South India) has two forms of succession: Marumakkathayam and Makkathayam. In the former inheritance does not go through agnatic lines but through the females. Inheritance goes from maternal uncle to nephews and nieces. In this system the social, economic and legal status of woman in general is equal to that of man.

† Changes introduced by Dr. Deshmukh's Bill.

‡ Sapindas are agnates connected with the propositus by an unbroken line of male descent to the 7th degree from and including the propositus.

§ Samanthakas or Samanodakas are the agnates from the 8th degree to the 14th degree from and including the propositus.

¶ Bandhus of a person are his blood relations who are connected through females and have passed into other families.

|| This forms a compact series of heirs.

estate. She cannot will away this property, and on her death it passes not to her heirs but to the heir of the last male holder.

### **Stridhan:**

Hindu women have absolute power over their Stridhan. Stridhan is woman's exclusive property, over which she has the power of a full owner and is acquired by a woman in the following manner:

1. Gifts received from the husband, or husband's family or from her own family at the time of the marriage, that is, before the nuptial fire, in the bridal procession and at the time she makes obeisance to the elders.

2. Gifts given by the husband and his family after marriage. Property acquired by her through these gifts; property she gets by adverse possession, on compromises or as maintenance.

3. Property she earns.

Stridhan is divided into two parts known as Saudayika and non-Saudayika.\* Over the former woman's power is absolute; over the latter during coverture the husband has certain rights.

In order to make the position clear, we will now explain the rights concretely, describing the exact position of the daughter, wife and widow, in reference to property.

### **Daughter:**

The unmarried daughter is entitled to no share in joint family property but to maintenance only until she is married. The marriage is performed at the expense of the joint family. In Separate Property she comes after the sons and the widow, who each takes to the exclusion of the other heirs. In some parts of India where the property is landed and entitled such as 'Jagirs'† she is completely excluded. In the Bombay Province where Mayukha‡ (Provincial school of Mitakshara) prevails, a daughter who is born in the Gotra (family) when she inherits property from her father,

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\* Saudayika stridhana is gifts of affection from parents and relatives and husband and his relatives, at, before and after marriage. Non-Saudayika is gifts from strangers (other than her or her husband's relatives).

† 'Jagir' is an estate given to officials similar to an earldom in English law.

‡ Mayukha. The two principal schools of Hindu law are Mitakshara and Dayabhaga. The Mitakshara is divided into the following sub-schools: Benares, Mithila, Dravida or Madras and Bombay or Mayukha. The Mitakshara prevails throughout India except in Bengal where Dayabhaga prevails.



takes that property absolutely as opposed to the limited estate she will take in the other provinces of India. The general rule is that among daughters the unmarried are preferred to the married, and the unprovided to the ones that are provided for.

In Baroda, however, the Hindu Law has been revised. An unmarried daughter has a right to obtain one fourth of her brother's share in the father's property or from joint family property in lieu of her marriage expenses. A widowed daughter is entitled to maintenance from her father's property if she had been living with her father during his lifetime, and if she has no means of maintenance from her father-in-law's property. Daughters, married or unmarried, rich or poor, are entitled to inheritance without any distinction in case there is no son or widow of the deceased.

#### **Wife:**

A Hindu woman as a wife is fully dependent upon her husband. It may be said that she is a co-user and joint owner with the husband in his property as she spends his money and looks after his household. But even that she does under supervision. As already stated above, the only property over which she has absolute control is her Stridhan. She has no absolute ownership over property acquired by her own exertions or skill or over property gifted to her from strangers during coverture. It is only with the husband's consent that she can transfer such property. The husband has the right to use this property in case of absolute necessity, such as religious rights, medical treatment, etc. This is the non-Saudayika Stridhan we have spoken of.

In case of a partition between her husband and his sons she gets a share equal to that of one of her sons. In that share she takes once again a limited estate, and on her death it goes not to her heir but to the reversioners, i.e. the heirs of the last male holder.

#### **Widow:**

A widow in a joint family was entitled only to maintenance and not to any share of her husband's estate.\* If the sons separate then she is entitled to rank as a son, and get her share equal to that of the son, in the partition of

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\* Bhopal: Legislation exists similar to that of Dr. Deshmukh's Bill which gives woman right to claim her husband's share in the Joint Family Property.

the estate, but has only a limited ownership over the share she thus gets. Now by the Hindu Widow's Right to Property Act of 1937 the position is altered. She is now a coparcener in place of her husband, and as such she can demand a partition. On partition she gets a share equal to that of her sons.

As regards succession to separate property, she is fourth in the line and comes after the son, grandson and great grandson. The estate she takes is a limited one. In case of a widow inheriting, chastity is not, now, under the New Act, an essential condition. Now by the above mentioned legislation a widow and a pre-deceased son's widow both rank with the sons, grandsons and great grandsons and inherit in like manner.

In Baroda married women have been admitted as coparceners and given a share of co-parcener's property. On the death of her husband the widow becomes a coparcener in the joint family property with the same rights so long as the share does not exceed Rupees twelve thousand. She can dispose of her share by gift, will or sale or can mortgage the same. Where the property exceeds Rupees twelve thousand she has a limited interest and she can dispose of her share only in case of legal necessity. The widow can demand partition. On partition the widowed mother gets an equal share with her sons and in case she has no sons she gets her husband's share.

In the Aundh State recent legislation authorises a widow to get her husband's share of property separated from the joint family property. The daughter has no share where the son is alive. She inherits fully when there is no son, father or mother. Divorced wife cannot inherit but can claim maintenance.

### **Matriarchal System in Malabar (South India).**

The joint family system holds sway here, but instead of a patriarchal descent property descends through the mother. Sons and daughters both receive the property of their maternal grandfathers\* and uncles, but children have no rights in their own father's property. Recently the Travancore State has passed a law by which this system based on the joint family has been discarded. But it still holds sway in the Ruling Family of that State and in all parts of British Malabar. Due to this system women have always held, since time immemorial, a remarkably high position in

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\*This is the text of the Report. Actually, however, the inheritance is only from the maternal uncle. Editor.

society; and the percentage of educated and literate women is far higher here than in the rest of India. The defect in the system is that being based on the joint family system, it has its attendant evils and consequently with the disintegration of the joint family it is also changing.

In British Malabar, before the Marumakkathayam Act of 1932 was passed, the wife and children had no right in the separate property of the father. But after the passing of this Act if he dies intestate his wife and children, as well as his mother if she is alive, take an equal share per capita. This Act, however, does not give the wife or children any right in the man's undivided share in the joint family property.

The position of woman under Hindu law as can be seen is far from satisfactory. Under this law woman is not considered an heir at all. As a daughter she inherits only when there is no son; and that also not in her absolute right except in the Province of Bombay. The only property on which she has absolute right is her Stridhan. It has been said that the Hindu woman has a right to be maintained whether by her father's family or by her husband's family. This right has also dwindled down to nothing in actual practice, what with the changing conditions which have led to the gradual disintegration of the joint family and with the general economic level becoming so low.

### **Recommendations**

I. Every Hindu, man or woman, will be deemed to be absolute owner of his or her property, whatever be the nature thereof, including any property he or she may inherit or any property that may devolve upon him or her by, i.e. being a member of a joint family or by survivorship and he or she will be entitled to dispose of the same by will.

In the event of his or her dying intestate, his or her heirs will be:

- i. Wife or husband as the case may be;
- ii. Sons and daughters and their children; the children of a predeceased son or daughter taking the share of such predeceased son or daughter.

The share of the wife or husband will be one-third and the remaining two-thirds shall be divided equally among the children.

II. Daughter will be entitled to the same rights of maintenance, education, marriage, succession or inheritance and acquiring property as if she is a son.

III. All properties belonging to husband and wife respectively at the date of the marriage shall thereafter remain their separate property.

IV. The income or acquisition from any sources whatever made or acquired during coverture will be owned by the husband and wife jointly.

V. Devolution: On the death of either husband or wife, his or her separate property and half of the property jointly acquired with the help of the income during coverture should devolve on the surviving husband or wife and their children.

- i. The surviving wife or husband shall take one third of such property;
- ii. The remaining two thirds shall be divided among her or his children in equal shares; the children of a predeceased son or daughter receiving the share of the predeceased son or daughter.

VI. On the marriage tie being severed by divorce, the separate property of both the husband and the wife will remain their own.

The division of the joint property as explained in IV will be left to the discretion of the Court, to be provided for in the divorce decree.

VII. No husband or wife shall have the power to demise or bequeath more than a stated proportion of his or her property; the remaining property must go to his or her heirs as provided by the laws of intestacy.

VIII. Husband and wife shall be at liberty to **will away the rest of their respective properties** and half of the property jointly acquired.

IX. Any property owned by a woman, whatever be the nature thereof, will be considered her absolute property.

### **Muslims**

Muslim law: These rights are governed by the rules laid down in the Koran and other sacred texts of Islam and the Anglo-Muhammedan law. The latest enactment, the Shariat Law (Koranic Law) re-affirms this right for all Muslims irrespective of custom. The following rights to property are given to a woman by the Islamic law:

1. A woman is entitled to a share in the inheritance of her parents, brothers and husband and children as explained below;
2. On her marriage, she does not lose her personal rights to property. There is no doctrine of 'mer-

- ger' and her property passes on her death to her heirs. While living she has a complete right to alienate her property as she pleases.
3. The *Jahez*\* is exclusively her property. She has a right to Dower or Meher which is an indefeasible right.  
Dower is divided into two parts, the prompt and the deferred. The prompt is payable before the consummation of the marriage, and the deferred becomes due on death or divorce. In case of alienation of property it is the first charge on the estate even in the hands of the alienee.
  4. She can sue and be sued as a **femme sole**. She can receive property without the intervention of trustees. She can enter into binding contracts. She can alienate or demise her property without the leave of her husband. She can dispose of by will one third of her property and make a gift of all her belongings without the consent of her husband. She can also be a sole trustee.
  5. Her earnings are her own, and she can keep them separately.
  6. Generally speaking, all the privileges which belong to her as a woman and a wife are secured to her not by the courtesies that come and go but by the actual text in the Book of Law (the Koran).
  7. She has the right to maintenance and it is incumbent on her husband to supply her with food, clothing and lodging suitable to his position.

Her rights of inheritance are as follows:

Under the Muslim law there is no disability attached to sex. As explained, women can own and possess property and have absolute power of disposal over it. The only way in which her rights to property differ from that of a man is where she inherits as a residuary with either a son or a brother in which case she gets half of what a son or a brother gets.

### **Inheritance:**

On the death of an individual, the property according to Muslim law goes first to the sharers, and after that to the residuary and then to distant kindred. The share of the heirs according to both Sunni and Shia laws are defined

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\* *Jahez* is property given by parents to their daughters on marriage.

and vary according to the existence of other heirs. According to the Sunni and Shia laws, daughter, widow, mother, grandmother or sister are recognised as heirs, but the daughters and sisters take as residuaries along with sons and brothers when the latter exist.

### **Wife:**

The wife or wives (in no case more than four) get one eighth of the property when there are children and one fourth when there are no children or grand children. The Shia law is the same.

### **Daughter**

A daughter in the absence of a son takes half of the property and if more than one they take two thirds jointly. If the son is living she becomes a residuary with him and takes half the share of what the son takes.

### **Mother**

Mother gets one sixth if there are lineal descendants or brothers or sisters of the deceased, but in default of this she takes one third.

The Muslim law, as can be seen, treats woman in a more liberal way than the Hindu law. A Muslim woman has many more rights than the Hindu woman though in practice, some of these rights are denied to her as the customary law still prevails. In certain sections of the Muslims in some parts of India, due to purdah, lack of education and ignorance of their rights, women are so crushed even economically, despite their separate property which in practice is always under the control of their husbands, that they differ very little from Hindu women. Even though the Shariat Law does not treat woman on the same basis as man in the sense that she does not get an equal share in the father's property, it is better than the customary law to which men cling so tenaciously today.

### **Recommendations**

Vigorous propaganda should be carried on to educate the Muslim women about their rights to which they are entitled under the existing law.

## PARSEES

The Parsee Law like the Muslim law is liberal to woman. Woman is recognised as an heir and becomes the absolute owner of property she thus inherits.

She, as a *femme seule*, can hold, acquire, dispose of any form of property. She can contract in her own right and also be a sole trustee. Her earnings are her own and she enjoys full testamentary power.

### Daughter

If the daughter inherits property from her father or other male relative she gets half the share of her brother; if she inherits from her mother or other female relative, she gets an equal share with her brothers.

### Widows

If there are lineal descendants the widow used to get two shares, the son four shares and the daughter one share. Now by the change brought about in 1939, the son and the widow get equal shares and the daughter gets half that share. If there are no lineal descendants and if either or both parents are living, the widow takes half, and the parents jointly the other half. So also when there are relatives on the father's side, she takes half and the relatives take the other half.

## Recommendations

One glaring defect in this law of intestate succession, is that a daughter inherits half of what the son gets. In an advanced community like the Parsees, this defect is the more striking, particularly when we realise that this reform was recently recommended but was thrown out at the Select Committee stage. We strongly recommend its immediate inclusion.

## THE INDIAN SUCCESSION ACT

Indian Christians and those who marry under the Special Marriage Act of 1923, are governed by the Indian Succession Act.

### Daughter

Daughter inherits equally with the son. A daughter or a predeceased son or daughter also gets her father's or mother's share. She holds this property absolutely.

**Widow**

After the death of the husband intestate, widow gets one third the property and two thirds go to the lineal descendant. Where there are no lineal descendants and if the net value of the property does not exceed Rs. Five thousand, the widow takes the whole. When the net value exceeds Rs. Five thousand, the widow is entitled to Rs. 5000 thereof absolutely. It is a charge upon the whole of such property for the said sum of Rs. 5,000 with interest at four per cent per annum from the date of the death of the deceased till payment.

The above brief survey of the property rights of women under the different **personal laws** shows that perfect equality exists in none, except under the Indian Succession Act. In the new civil code that we advocate, the law of inheritance and succession should be drawn up, we recommend, on the same lines as the Indian Succession Act.



## CHAPTER IV

### EDUCATION

Education is a means to an end, the end being to appreciate the beauties of life and to make the best use of one's opportunities. This being the purpose of education, it is a most vital thing both for man and woman. In this chapter we wish to stress the importance of woman's education which has been so sadly neglected in the past and is still considered a secondary matter. Parents, Society as well as the State\* are responsible for this attitude. Education has come to mean a method of earning and since woman is not required to earn, the parents argue, it is not necessary for woman to be educated. What she learns at home of household work is sufficient for her. They are, therefore, most reluctant to spend money on their girls' education while they do not hesitate to incur even debts for the education of their sons. When the very premises are wrong their conclusions are bound to be faulty. This mentality, however, is reflected in the way public charities help education. Most specially the Hindu and Muslim ones have helped to provide educational institutions and facilities more for boys than for girls.

Then comes Society with its persistence in customs like child marriage and purdah—two evils that have not done a little harm to the cause of woman's education. And lastly the State which has remained apathetic and done nothing to change the mentality of the parents or to eradicate the evils that obstruct woman's progress. It had remained indifferent to providing increased facilities even to girls who are today so anxious to learn.† This can be seen from the

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\* A general awakening among the public to the importance of girls' education is an outstanding feature of the quinquennium under review. The prejudices which have hindered its progress in the past appear to be gradually dying away. Child marriage which was another obstacle in the way of girls' education, has been made illegal under the Sarda Act, and there has been some relaxation of the Purdah system, at any rate in so far as it affected the retention of girls at school after a certain age. Part of the problem, therefore seems to be on the way to solution. But the major issue remains and that is the provision of the funds that are required for an efficient system and particularly for the necessary supply of trained teachers. (*Progress of Education in India, 1932-37* by John Sargent, Vol. I). For further particulars see Appendix 14—Education.

† *Ibid.*

comparative expenditure incurred on the education of girls and boys.\* There is a steady increase in the expenditure on girls' education. It was Rs. 1,31,33,559 in 1921-22, Rs. 1,80,25,850 in 1926-27 and Rs. 2,39,40,011 in 1931-32. It has now risen to Rs. 2,69,11,982. It is not possible to state the exact amount spent on the education of girls, as a large number of girls are reading in boys' schools and expenditure on their education is debited to boys' schools. In spite of the increasing attention now being paid to girls' education as revealed by these figures, the tendency to allot a larger proportion of additional funds that become available for the education of boys than that of girls, remains very marked. The vast difference between the expenditure on boys' institutions and girls' institutions (see table on p. 133) also accounts for the disparity between the numbers of educated men and educated women. This backwardness of women has been a great obstacle in the way of national progress. For, as the Hartog Committee has aptly remarked: 'woman's education is a key to progress'. Fortunately of late people have begun to realise the truth of the dictum that 'educate the mother and you educate the race'. The last few years have seen a remarkable awakening among women.† This is partly due to the demand of the educated youth for an educated wife. An impetus to this awakening, however, was given by the national movement and specially by Mahatma Gandhi, who stressed the importance of woman's taking active part in the national struggle for

\* For table and notes see page 79A.

† The following table gives the comparative figures of the enrolment of boys and girls reading in all types of Institutions:

Number of Pupils According to Sex in all Institutions.

	1922 *	1927	1932	1937	% increase 1932- 1937.
<b>Males</b> .. ..	6,962,928	9,315,144	10,273,888	11,007,688	....
<b>Increase</b> .. ..	....	2,352,216	958,744	733,795	7.1
<b>Females</b> .. ..	1,424,425	1,842,352	2,492,649	3,138,357	....
<b>Increase</b> .. ..	....	417,930	650,297	645,708	25.9

While there has been an increase of 7.1 percent in the enrolment of boys during the quinquennium under review, there has been an increase of 25.9 percent in the enrolment of girls during the same period. But the disparity between the education of boys and girls is still marked as there are only 3,138,357 girls compared with 11,007,688 boys. (Sargent's Report, pp. 149-150.)

TABLE XVII.  
Cost of Education in British India According to Standard And Sex.

Institutions.	Total expenditure on institutions for				Total No. of scholars in institutions for				Total cost per scholar in institutions for				Excess % of Col. 8 over 7
	Males.		Females.		Males.		Females.		Males		Females.		
	2	3	4	5	6	7	8	9					
1													
Arts Colleges ..	1,62,37,207	7,17,594	94,682	2,892	97,554	197	4	0	327	6	10	66	
Professional Colleges ..	74,38,848	3,53,417	20,787	489	21,226	357	13	9	805	0	10	130	
High Schools ..	5,31,37,619	89,50,405	10,23,347	1,10,133	11,83,480	49	8	9	79	3	0	59	
Middle Schools ..	2,41,53,194	45,69,658	11,99,287	1,64,059	13,63,346	20	2	3	27	13	8	47	
Primary Schools ..	6,98,00,051	1,39,79,988	90,47,007	14,94,783	1,05,41,790	7	11	5	9	5	8	22	
Special Schools ..	1,46,76,118	26,48,833	2,13,084	19,307	2,32,391	56	15	3	137	3	1	140	
Unrecognized institutions ..	....	....	6,15,170	96,486	7,11,656	....	....	....	....	....	....	....	
Total ..	18,54,43,037	3,12,19,895	1,22,13,344	18,88,099	1,41,10,443	15	14	10	17	6	9	9	

Miscellaneous Expenditure in Rupees:

Direction & Inspection ..	..	..	..	..	..	1,17,11,885
Universities ..	..	..	..	..	..	1,43,88,507
Boards of Secondary & Intermediate Education ..	..	..	..	..	..	4,35,905
Building, Furniture, etc. ..	..	..	..	..	..	3,73,75,145
Total ..	..	..	..	..	..	6,39,11,442

TABLE XVIII  
Expenditure on Institutions for Boys & Girls.

Province.	Expenditure on Institutions for males.			Expenditure on institutions for females.		
	1932	1937	Increase + Decrease -	1932	1937	Increase + Decrease -
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Madras ..	3,54,23,350	3,51,83,299	- 2,40,051	74,19,875	73,93,845	- 26,080
Bombay ..	2,96,45,151	2,60,20,410	(a)	58,29,207	56,21,229	(a)
Bengal ..	2,90,26,148	3,13,25,400	+22,99,252	86,54,487	41,09,847	+4,55,360
United Provinces ..	2,23,32,981	2,33,97,538	+10,64,555	27,55,487	84,26,447	+6,70,980
Punjab ..	2,23,53,551	2,27,14,454	+ 3,60,933	28,98,606	85,24,709	+6,26,103
Bihar ..	1,23,91,319	1,14,83,000	(a)	9,21,047	9,06,471	(a)
C. P. & Berar ..	73,51,830	80,01,824	+ 6,40,494	8,39,454	9,79,549	+1,40,095
Assam ..	33,84,687	37,92,880	+ 4,08,193	3,77,308	4,77,124	+ 99,816
N. W. F. P. ..	17,85,539	20,71,762	+ 2,86,223	2,45,262	3,44,734	+ 99,472
Sind ..	(a)	44,14,427	(a)	(a)	9,64,800	(a)
Orissa ..	(a)	30,64,713	(a)	(a)	2,65,989	(a)
Coorg ..	1,61,337	1,83,053	+ 21,716	28,963	32,794	+ 3,831
Delhi ..	13,44,921	15,10,362	+ 1,65,447	5,48,136	7,29,523	+1,81,387
Ajmer-Merwara ..	5,49,649	6,61,750	+ 1,12,101	1,67,697	1,70,464	+ 2,767
Baluchistan ..	2,94,249	2,66,879	- 27,370	66,925	18,723	- 48,102
Bangalore ..	4,08,659	4,46,051	+ 37,392	2,33,922	2,56,761	+ 23,739
Other Administered Areas ..	8,32,076	8,72,774	- 9,902	3,18,783	2,38,499	- 75,284

(a) In 1931-32 Sind formed part of Bombay and Orissa of Bihar while in 1936-37 they were constituted into separate provinces. Hence no comparison has been made.  
(Sargent's Report, Vol. I, p. 153).

Bengal: Expenditure on boy's education increased by Rs. 22,99,252 while that on girls' education increased by only Rs. 4,55,360.

Ajmer-Merwara: Increased expenditure of Rs. 2,767 only on girls' education as against Rs. 1,12,101 on boys.  
Punjab & Delhi: These are the only two provinces which spent a larger proportion of their additional funds on girls' education.

Punjab: Additional expenditure on girls was Rs. 6,26,103 as against Rs. 3,60,933 on boys.

Delhi: Additional expenditure on girls was Rs. 1,81,387 as against Rs. 1,65,447 on boys.

"Except in the above two provinces little effort seems to have been made to rectify the present disproportion in the expenditure on boys' and girls' education." (Sargent's Report, Vol. I, p. 154).

freedom. There is now a demand from parents for more facilities for the education of their girls. The growing increase in the number of girls and women under instruction every year is a healthy sign. The problem that is generally uppermost in the public mind today is not whether to educate the woman or not, but what should be the contents of woman's education and the ways and means of educating her. The problem of woman's education, therefore, resolves itself into: (1) whether woman's education should be identical with that of man's education; (2) whether she requires any specialised kind of training as different from man; and (3) whether she requires separate educational institutions. Our replies to these various questions will indicate how this vital need for woman's education is to be satisfied. We shall incidentally have to express our views on the present system of education and how far it satisfies our needs.

### **Identical Education:**

It is a mistaken use of words to say that woman's education should be identical with that of man's. Educationists have seen the futility of giving education which has no purpose behind it. Education according to need is the recognised slogan of the day. In so far as the individual needs differ education must differ. All we can ask, therefore, is that there shall be no branch of knowledge which shall be considered a special preserve of either sex; and whatever facilities are given to man for educating himself should also be given to woman.

### **Special Training:**

With regard to any specialised training exclusively for woman, the only training that we can think of is that of mother-craft. The educational needs of woman as mother have to be recognised, and facilities should be given for the training in mother-craft to those who wish for it. We do not, however, consider domestic science as an exclusive preserve of women. Elsewhere we have said that the knowledge of domestic science is as necessary to man as to woman; where man shares the duties of home work such knowledge will prove useful to him. There are subjects however like music, art, teaching in nursery schools, nursing, etc., for which woman has special aptitude. Better facilities for learning these than what exist today should be made available.

# Co-Education.\*

The question whether woman should have separate educational institutions resolves itself into whether there should be co-education or not. Owing to customs like purdah and social taboos which do not allow young men and women to mix freely in society, co-education is still looked upon with suspicion. It would, however, not be correct to say that the experiment has not been tried.

"Almost all the provinces report an increasing measure of progress in co-education. The following table shows the percentage of girls reading in boys' schools:

TABLE XIX †

Percentage of girls in boys' institutions to the total number of girls under instruction.

Province	1927	1932	1937
Madras .. .. .	55.5	51.1	59.8
Bombay .. .. .	33.9	36.2	39.7
Bengal .. .. .	14.4	17.5	24.7
United Provinces .. .. .	33.3	35.8	38.1
Punjab .. .. .	8.1	11.2	10.7
Bihar .. .. .	39.6	42.7	42.7
Central Provinces & Berar .. .. .	35.7	38.5	42.2
Assam .. .. .	52.4	50.3	52.9
North-West Frontier Province .. .. .	8.6	5.9	9.4
Sind .. .. .	....	....	30.8
Orissa .. .. .	....	....	72.0
Coorg .. .. .	68.7	69.0	71.5
Delhi .. .. .	..	0.6	2.9
Ajmer-Merwara .. .. .	9.0	17.2	14.6
Baluchistan .. .. .	21.5	20.7	....
Bangalore .. .. .	12.3	9.4	12.2
Other Administered Areas .. .. .	5.3	3.3	5.5
British India ..	38.5	38.4	43.4

In 1927 and 1932 Sind was part of Bombay and Orissa of Bihar.  
(From Sargent's Report, Vol. I, p. 155.)

\* See Appendix 15—Provincial Opinions on Co-education.

† The Figures for Madras, Assam, Orissa and Coorg show that the number of girls attending boys' schools far exceeds the number in schools for girls.

**Bombay:** A large number of girls attending boys' primary schools. Majority of these found to be studying in the infant or the first 4 standards of the primary school. Considerable difference of opinion about the advisability of admitting girls into boys' schools in the secondary stage.

**Bengal:** In spite of the University's disapproval of co-education in higher secondary schools, the number of girls in boys' secondary schools is increasing.

**U. P.** Large increase in the enrolment at the primary stage is due to the removal from the educational code of the rule which had hitherto restricted girls beyond a certain age from reading in boys' schools.

The percentage of girls reading in boys' schools has increased from 38.4 in 1932 to 43.4 in 1937 in the whole of British India.

TABLE XX.

Number of girls reading in boys' institutions and of those in girls' institutions.

Province.	No. of girls reading in boys' institutions.	No. of girls reading in girls' institutions.	Total No. of girls.
Madras .. .. .	550,788	370,701	921,489
Bombay .. .. .	129,530	197,041	326,571
Bengal .. .. .	181,327	552,062	733,389
United Provinces .. .. .	85,565	139,123	224,688
Punjab .. .. .	26,432	219,627	246,059
Bihar .. .. .	59,922	68,314	119,236
Central Provinces/Berar .. .. .	35,777	48,951	84,728
Assam .. .. .	48,136	42,875	91,011
N. W. F. Province .. .. .	1,588	15,368	16,956
Sind .. .. .	14,288	32,166	46,454
Orissa .. .. .	43,195	16,798	59,993
Coorg .. .. .	2,776	1,108	3,884
Delhi .. .. .	366	12,436	12,802
Ajmer-Merwara .. .. .	773	4,525	5,298
Baluchistan .. .. .	.....	1,289	1,289
Bangalore .. .. .	887	6,343	7,230
Other Administered Areas .. .. .	383	6,577	6,960
British India .. .. .	1,172,733	1,735,304	2,908,037

In most primary schools, girls and boys study together in the lower standards. The parents are objecting less and less to this practice; and it has now been considered a good arrangement to have co-education in the lower primary standards from the points of view of finance as well as eliminating one teacher schools which have been one of the many causes of wastage. This will be seen from Table XXI on the next page.

*Punjab:* The figures for co-education show that there is an increase both in the number of boys reading in girls' schools and in the number of girls reading in boys' schools.

*C. P.* In 1935 girls were admitted on equal terms with boys into Anglo-Vernacular schools and it is reported that in attainment they are in no way inferior to boys. Any prejudice that existed against the admission of girls into Anglo-Vernacular schools is fast disappearing.

*Delhi:* Lowest percentage of increase in co-education. In 1935 it was 2.9 compared with 0.6 five years ago.

It has also been proved that women make good teachers in the lower classes and by having co-educational schools, they can be put in charge of all the lower standards.

TALBE XXI.

Wastage Among Girls in Primary Classes.

Province.	Number of girls in				Proportion of girls in	
	Class I	Class II	Class III	Class IV	Class I	Class IV
	1933-34	1934-35	1935-36	1936-37	1933-34	1936-37
Madras .....	432,265	156,970	110,355	79,425	100	18.4
Bombay/Sind ..	125,760	55,826	47,291	37,054	100	29.5
Bengal ..	448,673	110,394	61,607	17,765	100	4.0
U. P. ....	112,165	35,904	21,891	13,411	100	12.0
Punjab ..	87,754	26,733	21,123	16,868	100	19.2
Bihar/Orissa ..	84,626	33,761	23,351	17,775	100	21.0
C. P./Berar ..	86,781	14,765	11,113	8,100	100	22.0
Assam ..	28,966	12,566	10,242	7,898	100	27.3
P. W. F. P. ..	8,599	2,044	1,723	1,412	100	16.4
Coorg ..	921	611	574	433	100	47.0
Delhi ..	5,091	1,418	1,267	1,034	100	20.8
Ajmer-Merwara ..	2,170	460	469	325	100	15.0
Baluchistan ..	1,094	292	28	32	100	2.9
Bangalore ..	2,194	1,289	882	729	100	83.2
Other Administered Areas ..	2,566	722	676	625	100	24.4
British India ..	1,438,190	453,943	313,313	202,886	100	14.3

(From Sargent's Report, Vol. I, p. 159.)

\* *Madras and Punjab*: Engage married couples in the same school. No serious efforts appear to have been made in any other province.

*Bombay*: Very few co-educational schools engage women teachers and most of the schools in which boys and girls are to be found are co-educational only in a restricted sense.

*U. P.* Only a few women engaged in schools to which boys are admitted.

*Bengal*: Definite advantage in having boys and girls in the same school provided there is at least one woman teacher on the staff.

*Punjab*: Favours encouraging co-education from the primary stage because "the province cannot afford separate schools for boys and girls in the majority of villages. Hence, in many cases, the alternative is not between co-education and a separate girls' school but between co-education and no education at all for girls. It is obvious however that the fact that a handful of girls read in a boys' school does not make that school a co-educational one. A school is not co-educational in the real sense of the word unless there is a mixed staff and a fair proportion between the girls and boys. At the lower primary stage, the ideal is almost certainly a mixed school in charge of women teachers, since women if well qualified and trained are certainly better teachers of little boys than men are." With this end



In the secondary stage of education, the experiment has been tried with success in large cities like Bombay. There is still that feeling however that boys and girls should not be kept together in their adolescent stage. It is mainly our social bringing up which is responsible for the failure of co-education at this stage. Even today for lack of girls' schools in district towns or rural areas, girls do attend boys' schools. They are however there on sufferance as there is no real co-educational life. The girls are all the time made conscious of their sex. This arrangement is more harmful than having separate institutions. Efforts are, therefore, necessary to bring about changes in our social life and change in our outlook. Till then real co-education will not make any headway.

Barring the professional colleges, it is the same story in higher education. Much, however, depends on the authorities concerned, and we feel that they must exert themselves to bring about a real co-educational atmosphere in their institutions. They must not be satisfied with the mere presence of boys and girls in the same class because this does not mean real co-education. It is sufficiently well-known that a large proportion of our young men and women from the middle and upper classes are sexually repressed and full of inhibitions which prevent their full and normal development. When these young people come into contact with the opposite sex outside the marital groove, their reactions are entirely abnormal leading to complications in their lives and difficulty of adjustment in the social world. Among the working classes, however, both in town and in country (which means among a great majority of Indians) there is so much healthy mixing of the sexes on the economic or work-a-day level that co-education can surely base itself on that experience. The institutions following the system of co-education are unanimous in their support of co-education, and maintain, that far from involving any danger, they are of real service in the prevention of perversions resulting from abnormal sex repressions.

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in view, the Punjab is training wives of teachers at Lyallpur and Jullunder in two batches of 20 as a first step towards creating a supply of women teachers.

*Bihar:* Re-affirm their policy of co-education at the lower primary stage as the best solution of the question of the early education of girls. They have also introduced an age limit for the admission of boys to primary schools, and it is contemplated that no boy above the age of 10 should ordinarily be found in a lower primary school. It is said that "the growth of co-education does not require the artificial aid of the capitation allowance, since girls' education is getting genuinely popular due to the increasing demand for educated brides by young men who now have some voice in the settlement of their marriages."

An advantage of co-education is that it gives to men and women a chance of developing common standards. At the present time, ideas of common decency differ and what is considered right for women is not seriously enforced for men. A distinct levelling of the moral standard could, we feel, be achieved through co-education of the right type.

Co-education does not imply that special aptitudes, whether of men or women, will not be specially catered for in the educational system. It implies that the discrimination will not be on lines of sex, but special training for particular occupations will be given. The woman teacher has a very definite place in the co-educational school and this system will also make it possible for a greater number of women to find employment.

Co-education as rightly understood will have a healthy effect on family as well as social life. In the new social order, man and woman will be comrades striving shoulder to shoulder for the common good. This comradeship can only be fostered in the home; till such time, however, as homes really are what they should be,—a training ground for comradeship—it will have to be done through co-educational institutions.

In the interests of social equality, mutual understanding and better co-operation between the sexes, we recommend that the ideal of the system of co-education in all stages must be kept in view. A national system of education should emphasize the use of common institutions and a common course of study for boys and girls. During the transitional stage common high schools for both sexes should be encouraged, but provision should be made for separate high schools for girls where such are required. Wherever public opinion is felt to be in favour of co-education, all educational institutions financed by the State and local bodies shall be non-communal and co-educational in organisation. The staff in all co-educational institutions shall be mixed and in other institutions mixed staff should be encouraged.

We shall now consider the present system of education and how far it satisfies our needs. In the first place there is no such thing as system in education today. There is very little coordination between the various stages of education, viz., the primary, the secondary and the higher. Nor is there any attempt at satisfying the various needs of the people; with the result that education in this country has grown in a haphazard way. To give one instance the per-

centage of literacy comes to about 12\* in this country. The percentage of those who have received higher education must be, therefore, very very small. And yet there is already a cry of unemployment among the educated and the Government of India appointed a Committee sometime back to investigate into the problem. The greatest indictment of our system is that side by side with this unemployment there is a demand for trained and educated men for various things. This unemployment is really due to the ineffective and purposeless education given today. It is in our opinion, the system, that is at fault. University education, however, cannot be improved unless we attempt to re-fashion education from the very beginning, i.e., from primary education which is the basis of all education.

### Primary or Basic Education:

There have been many complaints regarding wastage in primary education because of children lapsing into illiteracy after leaving schools, etc. This is due, for one thing, to the negligence shown by the local bodies to girls' education,† and to a lack of a definite policy with regard to primary education. As the Hartog Committee put it, "money no doubt is essential, but even more essential is a well directed policy carried out by effective and competent agencies, determined to eliminate waste of all kinds." The main points that are to be considered in chalking out a policy are:

- (1) The introduction of universal compulsion.
- (2) The period of compulsion.
- (3) The contents of primary or basic education.

The Conference of educationists that met at Wardha considered all these points and the Committee under Dr. Zakir Hussain has evolved a scheme which lays down the compulsory period from 7 to 14. The main feature of the Wardha scheme as it is called, is its emphasis on education

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\* From Statistical Abstracts for 1937.

† It is discouraging to find that in many cases girls are still being neglected by the local bodies which are generally responsible for primary education. In 1936, the Women's Education Committee of the Central Advisory Board of Education also considered that the control of local bodies over girls' education in some provinces had not been satisfactory in respect not only of the provision of funds but also of general interest and enthusiasm. They recommend that methods to improve this control should be investigated and that provincial governments should consider the necessity of insisting that all local bodies should spend an adequate proportion of their educational funds on the primary education of girls. The attention of provincial governments is again directed to this recommendation. (Sargent's Report, Vol. I, p. 168).

through a creative productive activity. We endorse this underlying principle as well as the age of admission and period of compulsion. We would, however, point out that in selecting the activity for a particular school the environment of the child as well as the local needs should be considered. We would also like to add that woman's aptitude and needs must not be overlooked.

### **Pre-Basic Education:**

While the age of admission is fixed at 7, we feel, that children under 7 should not be neglected. The Sub-Committee on Education of the N.P.C., has confined the pre-basic period of education to two years. We feel, however, that the education of the child begins from the day it is born. We have emphasized the necessity of creches and nursery schools where children may learn good habits etc., which could give relief to mothers who are generally over-worked, and also free the elder children, who at present have to look after the younger ones, to go to school and thus make compulsory education successful. In some other countries, these creches and nursery schools form a part of the system of education.\* We recommend that the State should be responsible for the establishment of creches and nursery schools which should form part of a national system of education. This, however, may not be financially possible immediately but the ideal should be kept in view.

### **Continuation Classes:**

We feel that the age of compulsion should be gradually raised to 18 and part time compulsion should be introduced so that boys and girls can continue their educational life upto the age of 18 side by side with any work or occupation in which they may be engaged. These continuation classes should be linked up with the scheme of apprenticeship adopted by the Sub-Committee on Education of the N.P.C.

### **Secondary Education**

Secondary education will have in the first place to be co-ordinated with the new scheme of primary education. Today the purpose of secondary education is simply to train students for the University. That secondary education should also be self-sufficient, so that those who have finished it can take up work or an occupation, is not realised. An attempt, however, has been made to introduce this aspect in secondary education. Various types of high schools

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\* See Appendix 14—Under 'Pre-Basic Education.'

have come into existence which side by side with the academic subjects also teach vocational subjects in order to fit men and women for vocational careers if they choose to take them. Here also we would like to point out that in selecting vocational subjects women's needs must also be considered. Subjects like music, art, domestic science, etc., should find an important place in the secondary curricula.

There is one subject which, so far, has found no place in the school curriculum and that is the knowledge of parenthood. We are aware of the difficulties of imparting knowledge in the subject in the right way. Opinions differ as to whether it should be taught through the subject of physiology or biology. It is necessary that the child should have healthy knowledge of sex. But before any policy in this respect is adopted, investigation into the proper method of approach and teaching the subject is necessary.\*

### **University Education:**

One of the greatest defect of university education in India today is the medium of instruction. English, a foreign language, is the medium of instruction in higher stages, while in primary and secondary education the medium is the mother tongue. This leads to many difficulties. Children have to spend a great deal of time in mastering a foreign tongue; and, as is natural, their knowledge of English not being upto the mark the standard of university education also suffers. Our children have to spend more time in educational institutions than perhaps children in other countries to come up to the same educational level. This is a special handicap to women who are generally married before they are able to finish their university education. In order to make it easier for women to prosecute higher studies, Prof. Karve started a University for women where the medium of instruction is the mother tongue. This University is also expected to cater for the special needs of women. We are of opinion that the question of the medium of instruction is a general problem and requires an early solution if we wish to save the energy wasted and if we wish every man and woman to have an access to university education. University education is not something isolated from life. The needs of life, new avenues of employment, etc., all must come within the purview of the university; and it should be seen that university curricula take into consideration subjects for teaching, which meet these

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\* See Appendix 18—Parental Education.

requirements. It is doing no service to the cause of education or to the country to pour out thousands of graduates of the same type every year who are unable to find suitable work.

### **Military Training:**

One of the obvious defects in the university education as well as the general system of education is that one of the greatest needs of the country as well as the individual, viz., self-defence, finds no place in it. Knowledge of military science as well as military training ought to form part of the university education. The beginnings of such training ought to be made in secondary schools. While military science should be an optional subject, military training ought to be made compulsory for all students with the exception of those who are physically unfit. We are of opinion, that women students ought not to be exempted from any such training. Today women are not allowed to join the University Training Corps.

### **Physical Culture:**

While military training is to teach our young men and women the art of self-defence, physical culture is necessary to make them healthy and fit for any hard life they may have to lead. Health being a very important factor, physical culture must find a place in all schemes of education. It is gratifying to note that this fact has lately received the necessary attention from the State and physical culture is made compulsory in some provinces in primary as well as secondary schools and colleges. Unfortunately, most schools, more specially primary schools and girls' schools, are so badly housed that what with the lack of playgrounds and open spaces, physical culture is taught only in name. We, therefore, recommend that every school should have its own building with provision for a playground.\*

Physical culture for girls should take the form of such exercises and games as would suit their physical condition and create a spirit of self-reliance in them. The Arya Samaj throughout the Punjab and elsewhere have laid

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\* Since 1937 most popular provincial governments have paid special attention to physical culture and have created training centres for teachers. Physical culture has also been made compulsory for students. Some universities have introduced physical culture training in colleges but from experience it has been found that women college students are apt to avoid this aspect of university training.

*Gujarat:* Ahmedabad Municipality has made physical culture compulsory for all its schools. It has established a training centre for teachers. Mass drill programmes are arranged every year.

stress on the value of physical culture and training in their girls' schools, and their physical training include lathi drill as well as the act of self-defence. Prof. Manikrao of Baroda has also done a great deal in this direction. He has made a special study of indigenous games specially suited to girls.\* We take this opportunity to appreciate what he has done. Besides physical training in schools, there is a movement to organise Akhadas and gymnasiums for boys in villages, and the villagers have taken to them with enthusiasm. Such Akhadas are generally meant for boys but in Gujarat even girls make use of them. In order to popularise physical culture, it would be necessary to provide recreation centres. It should be the duty of municipalities and local bodies to provide these facilities.

With physical culture made compulsory it is but necessary to have medical inspection of school children. Where medical inspection has been introduced in primary schools, it has been found that a large number of children suffer from malnutrition. Unless, therefore, side by side with the question of physical culture and medical inspection, the question of feeding the under-nourished is taken up the question of health will remain unsolved. Milk is usually given in all municipal schools in England and America and in some places a hot meal, planned to contain the maximum nutritive value, is also supplied. We are of opinion that a similar provision should be made for children in this country. The State should make it obligatory on local bodies to provide milk or any nutritive substitute for all children in primary schools.†

### **Facilities for Training in Special Subjects:**

We shall now examine the facilities for training given to women for the different professions or occupations. In the Chapter on Economic Rights, we have shown that among the liberal professions, medicine and teaching are the professions most patronised by women. More women, however, go in for teaching than for medicine. With regard to teaching we have to consider training of primary and secondary teachers. For the former there are separate institutions for women. Their number is not, however, sufficiently large,‡ and the output of women teachers is comparatively less than the output

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\* See Appendix 17—Prof. Manikrao's Scheme of Indigenous Games for Women.

† The Bombay Municipality has commenced an experiment in this direction by supplying a quarter seer hot milk in the noon to some of its school children.

‡ See Appendix 16—Health Education in Schools.

of men teachers. Almost all the provincial reports complain of the inadequate supply of women teachers for primary schools for girls. While the increase in the number of women teachers in primary schools in British India, from 33,524 in 1932 to 40,243 in 1937 and the advance in the percentage of trained women teachers from 51 to 58 during the same period, are gratifying so far as they go, much leeway has still to be made up. The following table gives the number of women teachers working in primary schools in the provinces.

TABLE XXII \*  
Number of Men and Women Primary Teachers.

Province.	Total No. of Teachers in 1937.			Percentage of trained teachers.		
	Men.	Women.	1932	Men. 1937	1932	Women. 1937
Madras .. ..	94,710	15,480	59.4	72.3	76.0	85.0
Bombay .. ..	29,116	5,416	46.8	49.2	52.0	52.0
Bengal .. ..	86,621	5,689	28.1	32.7	12.0	13.0
U. P. .. ..	38,753	2,474	66.2	73.6	11.0	16.0
Punjab .. ..	11,780	3,468	73.3	81.5	39.0	54.0
C. P. .. ..	11,156	1,421	58.5	63.4	49.0	56.0
Bihar .. ..	30,042	1,628	49.1	59.7	27.0	28.0
Orissa .. ..	12,072	204	....	51.8	....	75.0
British India	336,072	40,243	50.3	57.0	51.0	58.0

Compiled from Sargent's Report, Vol. I.

One of the reasons given for this is that owing to our social condition, a single woman finds it difficult to go to a village school, and men find less difficulty than women in establishing new schools. Male managers of vernacular schools are reluctant to take the responsibility of looking after unmarried girls who have to live away from their homes.

A further difficulty which is being experienced in all provinces is that women teachers do not desire to go to places far away from their homes.

The difficulty can be overcome if we have co-education so that single teacher schools can be eliminated and the co-

\* As these figures include the women teachers employed in boys' primary schools, the number of whom in Madras and Bombay is considerable, they do not give a correct estimate of the women teachers employed in girls' primary schools. Although the actual number of men teachers employed in girls' schools is unknown, men teachers are still employed to a large extent in primary schools for girls, especially in Bengal, Bihar, Assam & Orissa.



educational schools have more than one woman teacher on the staff. We feel that more training facilities are necessary to train a larger number of women teachers every year so that it will be possible to have all the lower standards of primary schools under women teachers. We also suggest that training institutions should be co-educational so that there may be saving on the staff and the buildings. It will also be good for women to work with men if later on they have to manage co-educational schools with men teachers on the staff. It will, however, be necessary to have separate hostels for men and women.

With regard to training for secondary teachers facilities are very meagre even for men. With the growing demand for trained teachers, there has been an increasing demand for more secondary teachers' colleges. In the Bombay Government College, provision is made for the admission of men and women for training on a fifty-fifty basis. We recommend that similar provision should be made in all such colleges where the demand for admission is great.

With regard to Medical Training, the number of medical colleges in the country is very small. There is a great demand for medical education and the present colleges cannot cope with it. Women today have a fair share of admissions but if the demand grows among them also, it will be found difficult to accommodate all those who desire training. While the profession is over-crowded in cities, rural areas are often without any medical aid. A proper distribution of medical men and women is, therefore, necessary; and when that is done it will be found that still many more doctors are wanted and the present facilities for training them are inadequate.

With regard to occupational training, the imminent need is that of the industrial worker. "In most Indian factories, it is noticeable that the workers are not the masters but the servants of their machines. They do not understand them and, as a result of negligent tending, cause more rapid deterioration of those machines than in countries where operatives are more mechanically-minded." As a result of this finding of the Royal Commission on Labour, Government has made an attempt to provide technical education for workers and some employers have organised regular courses for such of their employees as wish to take the training. No encouragement, however, is given to women workers to take advantage of this training. Provision should, therefore, be made for women also to take advan-

tage of the training. Apart from the question of operative skill, lack of education is at the bottom of much of the trouble which afflicts both the employers and workers in India. The prevalence of bribery and indebtedness is largely due to this, as also inability to reason or calculate sufficiently and to protect themselves against exploitation. The capacity to form coherent trade unions and to produce leaders capable of directing them wisely can hardly be expected of an illiterate working class. The most permanent important effect of this inefficiency is that almost all the workers in India are employed in unskilled and less paid work. Since the employment of women will be a permanent feature of planned society, any improvement of their efficiency through proper education will mean both an increase of productivity for industry and an increase in earnings for women themselves.

### **Adult Education:\***

This brings us to the very important question of adult education. Lack of education is not a handicap for the industrial worker only but all the vast number of men and women in this country who are engaged in one occupation or another. The percentage of illiteracy in this country amongst adults comes to nearly 89.† Spread of literacy among the masses is a most urgent need today. Literacy, however, by itself means nothing—it is only a means to acquire knowledge. It is, however, a first step in adult education. Adult education will be necessary even when all the people become literate. Today it is considered something outside its pale, and neither the State nor the local authorities feel it their duty to impart adult education. Since the last few years an impetus has been given to adult education, but no headway has been made because of financial difficulties as well as lack of trained workers.

### **Lack of Training Centres:**

The lack of trained women workers was severely felt during the regime of the popular Provincial Ministries when an attempt was made to start schemes of rural development, adult education and primary education. While a certain number of trained men workers was available, the number of trained women was quite inadequate. But where attempts were made to train women as rural workers, the

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\* See Appendix 19—Adult Education.

† All India Census Report, Part I, 1981, p. 421.

response was good and the material intelligent and most willing to be trained.\*

One difficulty in the way of training women workers has so far been that training institutions have been open only to those women who have a knowledge of English and possess some higher academic training. The proportion of such qualified women is naturally small and the demand for them is so considerable that most of them are immediately absorbed in some form of work. In India the average woman is educated only up to the fourth vernacular standard. She does not return for training as a rule until she is either widowed or some economic necessity forces her out of her home. By that time she has usually forgotten most of what she has learnt as a child. These women represent a great potential force and can easily be made into efficient workers. We wish, therefore, to emphasize on the necessity of training these workers. We are of opinion that when the time comes for putting the recommendations of the N.P.C. into effect, this army of workers, drawn from all aspects of town and rural life and familiar with local conditions, will be of tremendous value in working out all schemes of development. We should also like to mention the necessity of education and special training for the industrial worker.

#### **Social Conscription:**

The principle of social conscription, that the Sub-Committee on Education has advocated, will provide a training in social service to the youth which is most essential today and also make it possible for the rapid spread of education among the masses.† This scheme of social conscription, we endorse and hope that it will be worked out as early as possible.

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\* See Appendix 20—Scheme for Training Women Workers.

† Compulsory Labour Service: The National Planning Committee is of opinion that a system of Compulsory Social or Labour Service should be established, so as to make every young man and woman contribute one year of his or her life, between the ages of 18 and 22 to national disciplined service in such form and place, and under such conditions, as the State may prescribe in that behalf. Such service should be carried on in a disciplined way and in healthful conditions, on works of national utility, including agriculture, industry, public utility service, public works of all kinds, and other nation-building activities. Habits of team-work, mutual and co-operative labour, co-ordinate activity, and physical endurance should be developed. Physical culture should be an essential part of this year's training.

While young men and young women should be treated on terms of perfect equality, specialised service may be provided for women wherever this is considered necessary. No exemption should be allowed from this service, except on certified grounds of physical or mental disability. Under no circumstances should the privilege of buying oneself out of this universal obligation be permitted.

**State Publication Bureau:**

Adult education brings us to the question of preparing suitable literature for the education of adults. We feel that the State alone can undertake this work. Books and pamphlets are valuable instruments to educate people to new ideas and new ideals. To free them from superstitions, to make them realise the harm due to evil customs, to teach them their civic duties, to inculcate in them principles of health, to educate them about other countries, etc., these are some of the things that can be done by the State through their publications. We, therefore, strongly recommend that a State Bureau of Publications should be organised for educating the masses.

We have in brief tried to explain the educational needs and our recommendations are for their immediate satisfaction as well as an attempt to help in the building up of a sound educational system for the future.

**Recommendations:**

1. The State shall adopt a well-defined educational policy which while co-ordinating the various stages of education provides a certain measure of education and training to every individual born in the country.

2. There shall be no discrimination based on sex in the educational curriculum, but special training for particular occupations and needs and special aptitudes of individuals shall be provided for. All restrictions which prove a handicap to the free and full development of woman's personality shall be abolished.

3. Primary education shall be compulsory for all boys and girls between the ages of 7 and 14 and will emphasize education through a creative, productive activity. In selecting the activity the State shall take into account the local needs and the environments of the child.

4. There shall be a pre-basic stage of education recognised by the State. Creches and nursery schools shall form a part of this stage. Pre-basic education shall be optional during the transition period.

5. Continuation classes shall be provided on a part time compulsion basis for all boys and girls between the

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This scheme of Labour or Social Service should be fitted in to the educational system either at the end of the intermediate stage or the University stage.

This scheme should be progressively introduced.

(From Red Book No. 8, pp. 81-82.)

See Appendix 17A—An Indian Youth Labour Movement.

ages of 14 and 18. These classes shall be linked up with the scheme of apprenticeship adopted by the Education Sub-Committee.

6. Secondary education shall not be merely of the academic type but shall provide vocational training for various needs.

7. University education shall be more comprehensive and more purposeful in the sense that it shall make available facilities for training in a variety of subjects.

8. The medium of instruction shall be the language of the province. In no case shall the medium of instruction be a foreign language.

9. In the interests of social equality, mutual understanding and better co-operation between the sexes, we recommend that the ideal of the system of co-education in all stages must be kept in view. A national system of education should be based on common institutions and a common course of study for boys and girls. During the transition period, for the adolescent stage, common high schools for both sexes should be encouraged, but provision should also be made for separate high schools for girls where such are required and there is a sufficient demand for them.

10. Wherever public opinion is felt to be in favour of co-education, all educational institutions financed by the State and local bodies shall be non-communal and co-educational in organisation.

11. The staff in all co-education institutions shall be mixed and in other institutions mixed staff should be encouraged.

12. Physical training shall be made compulsory in all schools. Exercises and games shall be arranged to suit the physical condition of girls and to create in them a spirit of self-reliance. Folk dancing and indigenous games shall be encouraged. Facilities shall be given to every child to learn swimming.

13. Military training for self-defence shall be made compulsory for both girls and boys in all schools and colleges.

14. Adult education shall form a part of the national system of education. The State shall provide training centres for women social workers who, due to economic circumstances and lack of higher academic education, cannot avail themselves of the existing facilities.

15. A State Publication Bureau shall be established to provide the necessary literature for adult education, State propaganda, etc.

## SECTION II

### SOCIAL STATUS

In this section we shall deal with the social status of the Indian woman i.e., in relation to the two fundamental aspects of social life viz., marriage and family. We shall give our conception of marriage as it should be in the new social order, and examine the present laws of marriage with a view to see how far they conform to our ideal and what changes are immediately necessary.

With regard to family we shall discuss its type and its place in the social order where the individual is to be the unit.

## CHAPTER V

### Marriage and its problems.\*

Marriage is one of the most vital problems of life, as it affects the happiness and well being not only of those individuals who enter into it but through them of the children who are born of the union. The origin of the institution of marriage still remains hidden. Theories have been formed; their verification, however, rests on mere speculation. In those primitive days, when society was still in a fluid state, and neither the State nor the social institutions as known today existed to regulate the lives of men, sex life was promiscuous and family life was unknown. With the realisation of parental obligations, however, the family life gradually evolved, and with the idea of family life marriage came into being. Marriage is thus the foundation of family and so long as family remains, marriage in some form is bound to remain.

The history of human marriage gives a very interesting record of various forms of marriage that prevailed in different parts of the world at different times. In India itself there were known to exist not less than eight forms of marriage legally recognised by the State. All of these were not sacramental. Even today marriage in India is governed by the various personal laws, and, therefore, its form differs with different communities. While marriage under the Hindu Law is a sacrament, it is a contract under the Mahommedan Law as well as under the Indian Special Marriage Act. Under the Parsi Law marriage is a contract. But the contract is complete when the union is blessed by priest. Among the Nayar† of Malabar who are a part of

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\* See appendix.

† "A Nayar's marriage is a simple affair. A few relatives are invited, treated to betel leaves, and it is made known to them that Sambandham (literally, auspicious connection) has begun between the man and the girl. There are no incantations, no priests, no walking round the sacred fire, no incense-burning, no vows of eternal fidelity for better or for worse, and no beating of drums. The Sambandham announced, the bridegroom is at liberty to visit the bride in her own house at convenient times. The lady never leaves the home of her mother. Nor does the man his. Marriage is reduced to a mating arrangement without any economic or domestic disturbances. No sanctity is attached to it. Divorces are unconditional without any economic liabilities on either side." ("Indian Woman and Marriage."—P. Thomas.)

the Hindu community it is also a contract. Barring perhaps the Roman Catholics, those governed by the Orthodox Christian Church, the Chinese and the Hindus, there is no other community which considers marriage a sacrament. The Jewish Law which traces its origin to antiquity regards marriage as a civil contract. Even in ancient matriarchal Egypt when religion had a very strong hold on the people, marriage was considered a contract.\*†

The idea of the sanctity of marriage—that marriages are made in Heaven—arose in times when most of the human institutions flourished with the sanction of religion. The domination of religion—the doctrinal religion—has done much harm to the individual in the past and continues to harm him today wherever such domination still exists. With the growth of a rational outlook on life such a domination is bound to go. Marriage from a rational view point can no longer be a divine dispensation but a voluntary association of two individuals with rights and obligations attached to it. It is the duty of the State to see that these rights are protected, and the obligations carried out by both the parties. The State cannot allow religion to usurp this, its power specially when religion uses that power to create superstitious beliefs which cannot stand the searchlight of reason today. In the new social order that we are planning, it will, therefore, be the State which will lay down and enforce the law of marriage; and for the State, therefore, marriage will only be a civil contract. This, however, does not mean that religion will be taboo or that the State will interfere with any religious ceremonies which may be performed in connection with marriage. It only means that, for the purposes of protecting the rights and enforcing the obligations of the parties concerned who enter into marriage, the State will not recognise any marriage which is not performed under the civil law of the State. We have already said in the chapter on Property Rights

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\* "I (the bridegroom) acknowledge the rights of wife. From this day forward, I shall never by any word oppose thy claims. I shall acknowledge thee before any one as my wife, but I have no power to say to thee 'Thou art my wife.' It is I who am the man thy husband. From the day that I became thy husband, I cannot oppose thee in whatsoever place thou mayest please to go. I cede thee (here follows a list of possessions) that are in my dwelling. I have no power to interfere in any transaction made by thee from this day. Every document made in my favour by any person is now placed among thy deeds and also is at the disposal of thy father or of any relative acting for thee. Should anyone hand over to me any moneys that are due to thee, I shall hand them over to thee without delay and without opposition." ("Indian Woman and Marriage."—P. Thomas.)

† See Appendix No. 20 Marriage Laws in Other Countries.



that the State should evolve a common civil code in place of the various personal laws and that this code should include the law of marriage. Under this law marriage shall be a monogamous contract freely entered into by the parties concerned, and shall be dissoluble, subject to certain conditions as provided for by the laws of the State.\*

Before the civil code is made universally applicable, we feel that certain changes are immediately necessary in the present personal laws which govern the institution of marriage. We shall, therefore, examine them and make suggestions for their improvement.

### **The Hindus:**

The Hindu Law regards marriage as a sacrament. The marriage sacrament unites the two parties in an indissoluble union. The sacramental aspect, however, has not always been strictly adhered to. Age long customs have grown round the institution of marriage resulting in greater rigidity or greater relaxation of marriage bonds for different sections of the Hindu Society. Among the lower castes, for instance, the marriage sacrament exists in theory only. Marriage customs exist among these castes which can be traced back to antiquity as relics perhaps of the old forms of marriage which then prevailed and which were not sacramental. These customs which allow dissolution of marriage have the force of law. Marriage, therefore, among the lower castes is not really a sacrament. Among the upper castes, however, marriage is a sacrament in theory as well as in practice though a great deal of latitude is allowed to man to circumvent the sacramental bond. In the past certain concessions were given to both men and women which made the marriage bond more elastic. The marriage sacrament prescribed that husband and wife should be inseparable companions.† This really implied monogamous nature of marriage. The law, however, permitted man to marry more than one wife for certain reasons prescribed. The same law allowed the woman also to take a second husband in certain circumstances as Manu Smriti as well as

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\* See Appendix No. 20

† "Having taken these seven steps with me, be thou my companion nay, having paced the seven steps together, we have become companions. May I retain thy companionship and never part from thee, nor thou from me. Let us be united. Let us always take counsel together. Loving each other and ever radiant in each other's company, let us be united in mind; and growing together in strength and prosperity, let us join in our aspirations, our vows, and our thoughts." (Report of the Age of Consent Committee, page 207).

Parashar Smriti tell us. These concessions, however, are withdrawn today as far as woman is concerned, but are made more liberal in case of man who can marry as many wives as he likes and without giving reasons for marrying again. The Hindu marriage today is, therefore, a sacrament in reality for woman only, since she can marry no other man during the life time of her first husband. The marriage law has thus become one-sided. Its elasticity is gone and as a result many evils have crept in. This has brought the institution of marriage into question among the more rational minded of the Hindu community.

**Poligamy:**

Polygamy was first permitted to man by the Hindu Law in case there was no male issue by the first marriage. In course of time this permission was exploited by men; and the Kshatriyas began to marry more than one wife for political reasons while the Vaishyas for economic reasons, and later it became a general privilege for every man who wished to marry again. Among certain castes polygamy is practised to a much greater extent as an economic necessity, for an additional wife means more cheap labour. In modern times, this privilege to indulge in polygamy has been abused though still in rare cases, by the educated and apparently emancipated young women marrying men who are already married and have families.

This is but an indication of the dissatisfaction among modern youth with the existing law of marriage. Such marriages are also due besides to many other reasons, to the fact that Hindu Law while allowing polygamy does not allow divorce except in certain castes where it is allowed by custom, and is only a privilege exercised by the husband and not the wife.

Polyandry exists among certain aboriginal tribes; the number, however, being very small, it may be considered negligible.

**Intercaste Marriage:**

Hindu marriage lays down certain restrictions about inter-marriage within the castes. These restrictions were not always there. In Vedic times intercaste marriages were not unknown. Both Anuloma and Partiloma marriage, i.e. in the former case man belongs to a higher caste and in the latter case man belongs to a lower caste, were allowed. Later on while Anuloma marriage was allowed by law, Pratiloma marriage was prohibited. Today the

usage prohibits even the Anuloma marriage. These caste restrictions have also done a great deal of harm in limiting the choice of a husband or of a wife, with the result that very often young girls have to be married to men who are old enough to be their father or even their grandfather. There ought to be no bar against any inter-caste marriage.

**Muslims:**

A marriage (Nikah) according to Mohammedan Law is a contract which has for its object procreation and legalisation of children. The elements necessary for this contract are (1) a proposal made by or on behalf of the parties; (2) an acceptance of the proposal, in the presence and hearing of two male, or one male and two female witnesses; and (3) Dower.

**Parties:**

A Muslim may have as many as four wives, but a Muslim woman cannot have more than one husband, at the same time. A Muslim male may contract a valid marriage not only with a Muslim woman but also with a non-Muslim woman so long as she is a Kitabi. By Kitabi is meant a woman who is a Jew or Christian but not an idolator or fire-worshipper. A Muslim woman cannot contract a valid marriage except with a Muslim.

**Marriage:**

There are, according to Muslim Law, three forms of marriage. There is the (1) valid or (sahih): (2) the Fasid or Irregular marriage; (3) Batil or Void marriage. A marriage is void on ground of consanguinity or affinity or fosterage. On any other ground it is not absolutely void but is what is known as irregular or "Fasid" that is capable of being perfected on removal of the flaw. Children of such irregular marriages are legitimate and inherit to either parent. The wife is entitled to her dower. But there are no mutual rights of inheritance between husband and wife.

**Dower:**

One important element of Muslim marriage besides the proposal and the acceptance is Dower. Dower, or Meher, is money or property which the wife is entitled to receive from the husband in consideration of the marriage. This Dower may be any amount fixed at or before the Nikah (marriage ceremony). The sum fixed may be far beyond

the husband's capacity or income. But whatever the sum mentioned, it must be fully paid. If in a marriage contract no Dower is mentioned, then the wife is entitled to what is called proper Dower, the amount being fixed according to the position of the wife's family. Although this is the law, the Dower is not properly fixed in many parts of the Punjab, Bengal, Kutch, Kathiawar etc. Under the Excise or Sunnat (the tradition of the Prophet) it is fixed sometimes as low as Rs. 24-6-0, Rs. 32-6-0 and Rs. 10. It is of two kinds, "prompt" and "deferred". Prompt dower is the amount which must be paid by the husband to the wife before the consummation of the marriage. Deferred dower becomes payable to the wife on death or divorce. It will be seen that an important purpose of dower in Muslim law is to act as a check on the arbitrary and unreserved right of Talak that the husband possesses. If the husband dies, this dower debt becomes the first charge on the estate; and if the estate is divided without payment of the dower debt, each of the heirs is responsible to the widow for the debt proportionately to his or her share of the estate.

### **Rights and Obligations of Marriage:**

A valid marriage confers upon the wife the right of a dower, maintenance and residence in her husband's house and imposes on her the obligation to be faithful and obedient to him; to admit him to sexual intercourse, and to observe 'Iddat'.\*

Amongst the Shias there exists a temporary form of marriage known as Muta marriage.† The following are the incidents of the marriage:

- (a) Children born of the marriage are capable of inheriting to both parents.
- (b) It is dissolved ipso facto by the expiry of the term and by either party putting an end to the contract by making a gift of the term.

A wife is entitled to her full dower if the marriage is consummated, but is not entitled to maintenance.

### **Marriage and Minors:**

Whenever a minor below 15 years is given in marriage by anyone but the father or grandfather, the boy or girl married has on attaining puberty, the option to

\* 'Iddat' is the period of seclusion imposed upon a woman on death or divorce, in order to ascertain the parentage of a child.

† The essentials to this marriage are (1) period must be fixed; and (2) the Dower must be specified.

rectify the marriage contract or reject it. Legal formalities are not necessary; it is just the exercise of the option by the husband or the wife on attaining puberty that is necessary. Either party by words or action can indicate that the marriage has ceased. In that case, the contract is voidable at the option of the minor. When, however, marriage is brought about by the father or grandfather the contract of marriage is valid and binding; and cannot be annulled by the minor on attaining puberty unless it is proved that the father or grandfather has acted fraudulently or negligently to the manifest disadvantage of the minor.

**Maintenance:**

A husband in Muslim Law is bound to maintain his wife so long as she is faithful to him and obeys his reasonable orders. But he is not bound to maintain a wife who is disobedient to him or otherwise refuses herself to him unless the refusal is justified by non-payment of prompt dower. If a husband neglects or refuses to maintain his wife without any cause the wife may sue him for maintenance. If divorced, a husband is not bound to maintain his wife after the period of 'Iddat'.

**The Parsis:**

The Parsi Marriage and Divorce Act (III of 1936) deals with matrimonial matters. No marriage can be valid unless it is solemnised according to the Parsi form of ceremony called 'Ashirvad' between two Parsis by a Parsi priest in the presence of two witnesses independently of such officiating priest, between parties not related within the prohibited degrees of kindredship and above the age of 21. In case one of the parties has not completed 21 years the consent of his or her father or guardian is necessary. The marriage is monogamous, but divorce is permitted and on such divorce re-marriage is lawful.

**The Christians:**

The Christian marriage performed as a ritual of the Church is a sacrament. It is entirely a monogamous union and bigamy is punishable under the law. Marriage is effected by free consent of the parties for the primary purposes of generation. The tie is indissoluble for Catholics, and other sects permit divorce in very limited circumstances. The marriage under a civil law permits divorce and enables Christians also to be married before a Marriage Registrar in the presence of two witnesses.

**Jews:**

The Jewish marriage is essentially a civil contract between the parties. Polygamy is allowed under rare conditions and divorce is permissible to both parties.

**The Special Marriage Act:**

Marriage under this Act is a civil contract. The Act as passed in 1872 allows marriage between persons belonging to different communities on condition that they make a declaration that they do not belong to any particular community. The amended Act of 1923, however, allows the Hindus, Sikhs, Budhists and Jains to marry without making any such declaration. The conditions laid down for marriage under this amended Act are:

- (i) Neither party must, at the time of the marriage have a husband or wife living.
- (ii) The man must have completed the age of 18 years and the woman the age of 14 years.
- (iii) Each party must, if he or she has not attained the age of 21 years, have obtained the consent of his or her father or guardian in marriage.
- (iv) The parties must not be related to each other in any degree of consanguinity or affinity which would, according to the law to which either of them is subject, render the marriage between them illegal.

A person marrying under this Act is subject to the following disabilities:

- (i) If he is a member of an undivided family, the marriage shall effect his severance from the family, but he will not lose his rights and property, and his right of succession.
- (ii) No such person shall have the right of adoption, but his father shall, if he has no other living son, have the right to adopt another son under the law to which he is subject.
- (iii) Succession to the property of parties to such a marriage and their issue shall be governed by the Indian Succession Act, and not by Hindu law.

Due to social degeneration certain common mal-practices have crept into almost all communities. These are:

**Child Marriage:**

This exists predominantly among Hindus and Muslims alike and to a varying extent among other communities.

The difference, however, is that while marriage in the case of the Hindu is indissoluble, Muslim Law permits a minor, on attaining puberty, the choice of continuing the marriage or ending it, provided it has been brought about by a guardian other than the father or father's father. This is known as the option of puberty and applies to men and women.

When we talk about child marriage, we mean marriage under the age of majority, for both boy and girl. According to the existing Indian law, the term is understood differently. Child marriage, according to the Sarda Act, means the marriage of a girl under 14 and a boy under 18.

The Sarda or the Child Marriage Restraint Act of 1929\* has not been effective in preventing such marriages. Similar laws have been adopted by some States,† and have also proved ineffective as is apparent from the tables given.‡ The main defect of this Act is that it does not provide for the annulment of the marriage performed in contravention of it. The fine imposed in instances where action is taken is merely added by the parties concerned to the marriage expenses and proves no deterrent. In order to make it more effective we feel that all marriages, when either party is under twelve years, should be made null and void, and any marriage in contravention of the Act be made a cognisable offence.

### Age of Marriage:

We feel that the age of marriage as fixed at present creates many difficulties. The age of marriage should be gradually raised and it should be the same as the age of attaining majority.

Difficulties arise when the question of the custody of a minor girl wife comes up especially when she is seeking relief against the husband. The court is faced with the serious difficulty of having to choose between the father of the girl and her husband; and may perforce have to give the girl to the husband who, by law, is considered the natural guardian of the minor wife. In some cases the father may not be prepared to accept the guardianship of the girl and she may be forced to go under the very person against whom she wants relief. In all such cases, we are of opinion that the court should assume the guardianship of the minor girl. This state of affairs, however, will continue to exist

\* Jurisdiction only in British India. Most of the States have no Acts except a few.

† See Appendix No. 21.

‡ See Appendix No. 21.

—Child Marriage.

—Child Marriage.

till such time as the Child Marriage Restraint Act is amended and the marriage age coincides with the age of majority in the case of girls.

**Forced Marriages:**

This means the marriage of a minor girl who is forced into marriage against her wishes and without her consent by her parents or guardians. Boys, when they are pressed upon to marry, often evade it by running away, but the girl is unable to do so under existing social conditions. She has neither the money nor the education necessary for taking such a step. She is compelled to go through the marriage ceremony against her wish, and often after marriage she runs away from the house or commits suicide.

**Disparate Marriages:**

Where child marriages prevail, where inter-caste marriages are debarred and where young girls are sold or forced into marriage, disparate marriages are bound to be very common. We feel that as far as minors are concerned they should not be forced into any marriage where the difference in ages of husband and wife is great. We recommend that a disparate marriage when either party is a minor should be declared null and void if brought to the notice of the court.

**Desertion of Wife:**

Desertion is very common among the Hindus because of the prevalence of polygamy and of child marriage. The woman has no claim on the husband except that of maintenance which, in practice, comes to nothing if the husband disappears altogether. She cannot marry again as the Hindu Law does not permit divorce. She has very often no education, and has either to depend all her life on somebody else or take to prostitution.

**Dower:**

Among the Hindus as well as among other communities marriage involves a money transaction which is not exactly either a bride-price or a bridegroom-price, though these exist amongst certain classes. This is offered in most cases in the form of Stridhana or as a settlement or by paying the educational expenses of the bridegroom. In each case it involves large sums of money and entails heavy burden on the average middle class citizen. Rural indebtedness is also to a large extent due to marriage expenses and dowry far beyond the means of the bride's parents.



We have already mentioned Dower as part of the marriage contract under Muslim Law. The important purpose of Dower as already explained is that it acts as a check on the arbitrary and unreserved right of Talak that the husband possesses. It protects the woman from being stranded in case the talak is given since she gets the money fixed as Dower at the time of marriage. The Dower should, therefore, be fixed at as high a sum as the means of the husband permit if at all it is to serve as deterrent in case of man and protection in case of woman. We cannot but deprecate the practice prevalent in some parts already referred to of fixing the Dower or Meher at such ridiculously low sums, which not only cheats the woman by depriving her of a large share she would get according to the means of her husband's family under the Law, but gives no protection to her in case of divorce.

The Koran permits that the woman, if she wishes, can forego the Meher. This permission is badly exploited and very often she is forced to forego it. It is necessary to protect her from this exploitation. We recommend that if she wishes to forego her Meher she should make a declaration to that effect before a Magistrate or such declaration should be registered.

### **Recommendations:**

1. Marriage shall be a monogamous contract freely entered into by the parties concerned which shall be dissoluble subject to certain conditions as provided for by the law of the State.

2. The marriage age shall be progressively raised to the age of majority, i.e., 18.

3. The Child Marriage Restraint Act shall be made more effective by making marriages in which either party is less than twelve years of age null and void, and by making marriage in contravention of the Act, a cognisable offence.

4. All marriages shall be notified and registered. The Registrar before notifying should satisfy himself on the following:

- (a) Consent of both parties.

- (b) Whether it is in contravention of the Child Marriage Restraint Act.

5. The provisions of the Special Marriage Act of 1923 shall be extended to other communities besides the Hindu, Buddhist, Jain and Sikh, so that persons belonging to these communities can also inter-marry without renouncing their religion.

## **DIVORCE**

### **Hindus:**

The right of divorce exists among the Parsis and Muslims. Hindu Law does not recognise the dissolution of marriage except in cases where custom sanctions it in some form.

We find, however, in the earlier religious texts authorities like Parashar and even Manu allowing a woman to marry again in certain circumstances. Kautilya has definitely laid down detailed rules of divorce intended for the couples who found it impossible to live together. They were, however, applicable only to Asura, Gandharva, Kshatra and Paishacha marriages. The institution of marriage underwent a radical change during the years immediately preceding the Christian era when Hindu society came under the grip of ascetic influence. We refer to these instances merely to emphasise the point that even in very early times divorce and remarriage were recognised but the practice was discontinued. This tightening of the bond of marriage created obstacles in the way of the social advancement of women.

At the present day no marriage can be dissolved among Hindus in the upper castes, but among the lower castes dissolution is recognised by custom and the caste authorities. Here woman is entitled by her caste to purchase her freedom by paying the husband his marriage expenses.\*

Hindu marriage today is not an equal partnership based on mutual rights. The one-sided law of marriage, woman's ignorance of her rights, and the evil customs that have grown round the institution of marriage threaten to destroy its very foundation. With the increasing consciousness of woman and her desire to achieve equality it has become necessary to put marriage on a more rational basis if it is to be saved from collapse.

It is obviously difficult to judge the exact measure of married happiness in any society especially as the human being is capable of extracting some happiness out of life under the most unjust social order. That so many Indian marriages are seemingly 'happy' is mainly due to the fact that women on account of their social and religious traditions try their best to adjust themselves to conditions whatever they may be even at the risk of self-repression. Marriage, therefore, is not what it should be, viz., a harmonious

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\* Madras. Some Caste Panchayats allow this.

co-operation of two lives capable of contributing to the enrichment of family and society.

It is our opinion that the Hindu marriage should be dissoluble, under certain conditions laid down by the laws of the State. Such dissolution must be obtained by either party to the marriage and must be certified by a public authority.

In advocating divorce, our desire is not to break up the home but to make marriage more happy, and, therefore, more stable. If we turn to the evidence of writers like Fammina Halle, Beatrice and Sidney Webb and others, we find that even in Russia where the experiment of divorce under easy conditions was tried, it has resulted actually in strengthening the bond of marriage. It does not follow, therefore, that by conceding the right of divorce to woman the State will be undermining the foundations of marriage, and, therefore, of society. It will rather, we think, help to make the foundations more secure.

In Baroda where a Hindu Divorce Act was passed and was later incorporated in 1937 with the Hindu Code, it has been proved that these fears are unfounded as shown in Table No. XXIII. In British India efforts have been made to bring about divorce legislation but without success so far.\*

As already expressed in the chapter on 'Civic Rights', we should like special clauses specifically included, giving minors who are married by the parents, an option on reaching the age of majority to elect whether they wish the marriage to continue. If both or either desire not to continue it, the desire alone should be sufficient cause for divorce. The ideal would be, of course, for divorce to be granted for the asking, the need for it being an automatic indication of the existence of maladjustment in marriage. This ideal is, we are aware, not possible in any country until public opinion is sufficiently weighted in its favour. The Law of Divorce we would propose as a first step, therefore, will make divorce possible under certain conditions to be prescribed by the State.

But whether divorce be granted on the express desire of either party or on certain specific conditions, it must provide for the economic needs of the woman and safeguard the interests of the children, if any. This provision must be made by law.

In most countries the father has to maintain the child while the mother has its custody. In Russia both are made

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\* See Appendix No. 22—Divorce Bills.

to provide for the upkeep of the child; the custody is usually given to the most suitable party—should either party be out of work, the burden of maintenance is cast on the other. Should either party be disabled, the State is willing to bear the burden of maintenance. The general feeling, as gathered from the opinions received from the Provinces, is that unless good reason to the contrary is shown the mother should have the control of the child.

### **Divorce under Muslim Law**

#### **1. Talak**

The contract of marriage under Muslim Law can be dissolved. The husband may divorce his wife wherever and whenever he pleases without assigning any cause. No intervention of court is necessary.

#### **2. Khulla and Mubarat**

These may be arranged by mutual consent without intervention of court; but the wife must relinquish either the whole or a part of the dower as a consideration

#### **3. By judicial decree**

At the suit of the husband or wife on the following grounds which are now widely extended:

- (a) Impotence.
- (b) L'an.
- (c) Cruelty and Desertion.

#### **4. Talak-e-Tafwiz**

The wife cannot divorce the husband except when she has made a contract with him before marriage known as Talak-e-Tafwiz. By virtue of this contract the wife is at liberty to divorce the husband in the event of certain contingencies laid down in the contract which are not opposed to the policy of Muslim Law.

### **The Dissolution of Muslim Marriages Act of 1939**

The above was the state of the law in British Courts till 1939. Muslim women feeling the inequality of the law demanded their Koranic right and as a result an act was passed, viz., 'The Dissolution of Muslim Marriages Act 1939'.

As stated in the preamble, the Act seeks to consolidate and clarify the provisions of Muslim Law relating to suits for dissolution of marriage by women under Muslim Law,

and to remove doubts as to the effect of the renunciation of Islam by a married woman on her marriage tie. The Act extends to the whole of British India and entitles a Muslim married woman to obtain a decree for dissolution on the following grounds:

- (i) that the whereabouts of the husband have not been known for four years together;
- (ii) that the husband neglected or has failed to provide maintenance for two years;
- (iii) that he has been sentenced to imprisonment for seven years or more;
- (iv) that he has failed to perform, without reasonable cause, the marital objectives for three years;
- (v) that he was impotent at the time of marriage and continues to be so;
- (vi) that he has been insane for two years or is suffering from leprosy or a virulent venereal disease;
- (vii) that she, having been given in marriage by her father or other guardian before she attained the age of 15 years, repudiated the marriage before attaining 18 years, provided that the marriage has not been consummated;
- (viii) that the husband treats her with cruelty;
  - (a) habitually assaults her or makes her life miserable by cruelty of conduct even if such conduct does not amount to physical ill-treatment.
  - (b) associates with women of evil repute or leads an infamous life, or
  - (c) attempts to force her to lead an immoral life, or
  - (d) disposes of her property or prevents her exercising her legal rights over it, or
  - (e) obstructs her in the observance of her religious profession or practice, or
  - (f) if he has more wives than one, does not treat her equitably in accordance with the injunctions of the Koran, or
  - (g) on any other ground which is recognised as valid for the dissolution of marriages under Muslim Law.

Again the renunciation of Islam by a married Muslim woman or her conversion to another faith shall not by itself operate to dissolve her marriage. The Act does not affect any right which a married woman may have under Muslim Law to her dower or any part thereof on dissolution.

This law is no doubt very liberal, apart from America, perhaps the most liberal to women on this side of the world. But despite this reform, the husband's arbitrary right to Talak still exists. The system followed in Persia is considered more suitable to both parties.

### **Recommendations\***

Arbitrary exercise of his discretion to divorce should abolished, following system adopted in Persia:

- (a) Certain grounds should be laid down for divorce and open both to husband and wife.
- (b) Either party desiring divorce must go before a Court and state their reasons, which the Court may consider, and, if necessary, the Court may send the parties to an arbitrator or decide the issue.

### **Parsee Law**

Divorce among Parsees is governed by the Parsee Marriage and Divorce Act of 1937. This is a very recent liberal and useful piece of legislation, to which attention is particularly drawn.

The Matrimonial Court under this Act is constituted by a judge aided by seven delegates.

The following Matrimonial reliefs are provided, viz., Nullity; Divorce; Judicial Separation and Restitution of Conjugal Rights.

The grounds recognised for divorce are:

- (a) That the marriage has not been consummated within one year after marriage because of wilful refusal of the defendant.
- (b) That the defendant at the time of marriage was of unsound mind, and is habitually so.
- (c) That the defendant was at the time of the marriage pregnant by some person other than the plaintiff.
- (d) That the defendant has since the marriage committed adultery or fornication or bigamy or rape or an unnatural offence.

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\* Bombay suggests that for the transitional stage Koranic law should be established in place of the present local Jamat decree. Revival of established law which does not advocate Purdah and gives women rights of inheritance, maintenance and divorce will bring about changes in favour of women without alienating public opinion.

The States and Provinces, though in complete agreement, that an equitable and liberal Divorce Act, with an adequate maintenance clause and provision for the wife to have the custody of the child, is essential, have not indicated the exact form in which divorce may be introduced.

- (e) That the defendant has voluntarily caused grievous hurt to the plaintiff or has infected the plaintiff with venereal disease, or, where a husband, has compelled his wife to submit herself to prostitution.
- (f) That the defendant is undergoing a sentence of imprisonment for seven years or more under I.P.C.
- (g) That the defendant has deserted the plaintiff for at least three years;
- (h) That a decree of judicial separation, or a Magistrate's order for maintenance has been passed against the defendant, and the parties have not lived together as husband and wife for three or more years thereafter.
- (i) That the defendant has failed to comply with a decree for restitution of conjugal rights, for a year or more.
- (j) That the defendant has ceased to be a Parsee.

There are limits under each specific ground giving the time limit within which the cause must have occurred. and the action must be filed. On the marriage being dissolved on any one of the above grounds the plaintiff is given alimony and costs by the Court, and also the custody of the children if any.

The Court has also power to give alimony *pendente lis* if the wife has no money with which to prosecute the suit or maintain herself during the litigation.

### **Restitution of Conjugal Rights**

We find that this provision for the restitution of conjugal rights still exists both in Hindu and Muhammedan law, and is also found in the revised Parsee Law discussed above.

We feel that in any society that lays claims to any form of refinement or culture, a remedy of this character should be excluded from the Statute book.

We understand that it exists only formally just now and may be defied by payment of Rs. 100 or some such sum, or, serve as a ground for divorce where the personal law permits divorce. Even so, there is no reason for its existence. In fact, since it serves no purpose there is a greater reason for its total abolition. We therefore, recommend the abolition of the provision altogether.

TABLE XXIII.

BARODA HINDU DIVORCE LAW

Hindu Divorce Act passed in 1931 : incorporated in Hindu Code in 1937

Year	Divorce	Judicial Separation	Suits for		Suits by persons in whose caste divorce is not allowed by custom
			Separate residence	Restitution of conjugal rights	
1931-32 .. ..	35	4	....	8	1
1932-33 .. ..	29	3	....	8	1
1933-34 .. ..	58	1	1	4	1
1934-35 .. ..	45	....	....	6	1
1935-36 .. ..	30	5	....	4	3
1936-37 .. ..	44	4	....	3	4
1937-38 .. ..	45	1	2	3	5
1938-39 .. ..	38	3	....	....	6

1938-39.

Relief sought	No. of suits.	Grounds.
Divorce	11	Cruelty
"	2	Desertion & cruelty
"	7	Desertion by husband
"	1	Desertion by wife.
"	6	Cruelty & habitual drunkenness of husband
"	3	Impotence & cruelty of husband and.
"	2	Disappearance of husband
"	2	Cruelty, desertion, husband marrying second time.
"	1	Incompatibility of temperament & cruelty.
"	1	Cruelty, husband marrying second time.
"	1	Adultery by wife.
"	1	Husband marrying second time.
Judicial separation	1	Husband marrying second time
"	1	Cruelty
"	1	Cruelty & desertion..
"	1	Cruelty
Total	42	1

Special Marriage Act of 1908. In 1938-39 there were 8 marriages making 38 marriages under the Act. Caste Tyranny Removal Act of 1938. Removal of Restriction of Marriages in Sub-castes. Amendment Act of 1938. Six months' simple imprisonment or Rs. 1,000 fine or both.



## CHAPTER VI

### FAMILY LIFE

Family in India, as in China, is a basic unit of society for all practical purposes. In India two types of families exist today side by side. The ancient institution of the joint family prevails among the Hindus in contrast to the individualist family consisting of the father, mother and children, which exists among the Hindus as well as the rest of the Indian communities.

The present position of woman in the Joint Hindu Family\* system is incompatible with her emancipation or her free development as an individual. She has hardly any independent social or economic existence of her own; and her position is considered only in virtue of her relationship to man, as wife, mother or daughter.†

Koranic law allows definite and equitable shares in the family property to wives, daughters and widows, but in actual practice, the mass of Muslim women being ignorant of their rights, are constantly being deprived of them. Their social position in the family, therefore, is no better than that of the Hindu woman.

Christian and Parsee women are in a far better position and have practically the same rights as those granted by English law‡ to English women. But even in these communities the women of the middle and upper classes do not participate in the economic activities of the family.

#### Joint Family

For a large majority of women in India, a family signifies arrangements in which women get a right of residence and maintenance for duties she performs as mother and home maker.§ The eldest woman member in a joint

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\* A Hindu Joint Family ordinarily consists of all descendants in the male line from a common ancestor, their wives and unmarried daughters.

† See Appendix 23—Provincial Opinions on Family Life.

‡ After the Married Women's Property Acts have come into force.

§ General opinion of States and provinces is that the Joint Family System is the root cause of the inferior position of Hindu women. It breeds a reactionary, orthodox atmosphere and if it has to be retained at all, it will have to be drastically changed. Complete abolition is not advocated as it still has a hold on the mass mind. During the transition period, it may be transformed into a co-ownership and insurance agency so as to accustom people to a corporate life and collective activity.

family does, however, exercise a good deal of control over the younger members and has a voice in family affairs and is also entrusted with responsibility in matters of birth, marriage and death in the family and the up-bringing of the children. The younger women do not have any voice in family affairs. The lack of freedom for younger members of the family and the necessity of conforming to a certain pattern marked out by tradition and custom for the women have been serious handicaps in the lives of the individuals concerned as well as in the collective life of the family. It has led to family life becoming stereotyped and abnormal. Instead of being based on mutual affection and respect, the ties binding the various members have become formal and mechanical. Limited educational facilities combined with a strong prejudice against education of girls, the custom of *Purdah* in the North, and partial seclusion in other parts of India, and the fact that in a joint family the woman does not have sufficient leisure, have all kept woman ignorant; and she has not been able to give to her children the training necessary for their moral and physical development. This position must undergo a radical change in order to enable woman to take her proper place in the life of the community.

The growth of individualism as well as economic reasons have led to the disintegration of the Joint Hindu Family. We are of opinion that no measures should be taken to check this process of disintegration and immediate steps should be taken so that woman should have the same position and status as man in the family life.

### **Family**

A family, in the narrow sense of the word, consisting of husband, wife and their children, is bound together by bonds of affection and common interests. These bonds will and should continue; no attempts should be made to tighten them by introducing an element of compulsion, which might lead to a loosening of the real bond of affection. Changing conditions are today affecting joint families and breaking them up. That was inevitable and need not be deplored, but individual families will no doubt continue and hold together.

### **Individual Unit**

While these individual families will and should continue, so far as the State is concerned, the individual must be

the basic unit, to which consideration should be specially given. We think that this method of approach and emphasis will be good for both man and woman. For woman who has a dependent status under the present condition, this will be specially beneficial. It will lead to her securing equality of status, and the rights and obligations of an individual member of society.

### Guardianship of Child

We have already considered the rights of woman as individual in the preceding chapter. Here we shall discuss the law of guardianship which ignores the claim of the woman to be a guardian of her child or children.

In India under the system of personal law as well as under the British Indian law a father is presumed to be the natural guardian of the child. In some cases the mother is given custody of the person of the child in preference to the father because the child being an infant, necessarily requires the mother's care.\*

If the marriage tie is severed through a divorce, the custody of the children at present is left to the discretion of the court and is given by the court to the party that is not responsible for the severance, that is, the party not at fault. If the child is old enough to express a preference, the preference is considered by the court.

On the death of the father, the mother is the natural guardian of the minor children, unless the father has by his will appointed another person as the guardian of the person of his child or children. The mother has no such corresponding power to deprive the father of the guardianship of the child or children.

Under the Muslim law, the father is the guardian of the property of the minor† and the mother is the guardian of the person of the minor, but the father cannot deprive the mother of the custody of the person of the minor, until the

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\* **Hindu Law:** Father is the natural guardian of the child. Mother comes after father.

**Muslim Law:** Recognises three forms of guardianship: (i) Guardianship of person; (ii) Guardianship of property; and (iii) Guardianship of marriage. In the present chapter we are only concerned with the first two. Regarding the guardianship of property, father and grandfather precede the mother though the mother shall have custody of the child in infancy.

**Parsee Law:** Father is the natural guardian. Mother comes next. The mother comes next to the father in certain systems whilst in others the father or paternal relations are given preference to the mother.

† In fact in Muslim Law the mother is never the guardian of the child's property unless when appointed so by the father or father's father.

minor, if a boy has reached seven, and if a girl has reached puberty in Sunni Law, whilst in Shia law, the ages are 2 and 7 respectively. After that age the father or his relatives may deprive the mother of the custody of the child till he or she reaches the age of majority, which in India is laid down at eighteen.

Such is the present state of the law of guardianship.

The mother is the natural guardian of the child and, therefore, she should, by law, also be made the guardian of her minor child or children. It is time women protested against such an unnatural and inhuman state of the existing laws and demanded a revision of the law of guardianship.\*

### **Recommendations**

Both the parents should be the joint guardians of their children. If the marriage tie is broken by death of either party, the surviving partner should necessarily be the guardian of the children; and it should not be in the power of either party to deprive the surviving party of this right, as is possible under Muslim and Hindu laws, except for reasons of unfitness which must be decided by the court. If the tie of marriage is severed by divorce the custody of the children should essentially be given to the mother, except when the mother is of an undesirable character and unfit, therefore, for the custody of the child. If the child is capable of expressing a preference his wishes should be consulted by the court before making the decision.

We would like to make one point clear that the right to guardianship or the custody of child has nothing to do with the right of the child to seek maintenance from its father which remains unaltered. The father must, till full and equal property rights are afforded to the woman, be responsible for the maintenance of the child.

When the stage of planned economy is reached both the father and mother should jointly be responsible for the

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\* According to the Hindu Law, a husband is the legal guardian of his minor wife's person and property, whether the marriage is consummated or not. A wife is bound to live wherever the husband lives and such a duty is not only a moral duty but a rule of Hindu law.

But a general custom by which a wife is kept in the paternal house till she attains maturity is valid. The difficulties that arise out of this position and the recommendations have been discussed in Chapter V under the headings 'Child Marriage' and 'Age of Consent.'

maintenance of the child in proportion to their capacity and if one is incapacitated, the burden will fall upon the other. In the absence of both, it should devolve upon the State.

### **Adoption**

We must refer in passing to the question of adoption. The adoption of a son, besides being necessary for purposes of inheritance, is also a religious need; and Hindu law permits a wife or widow who has no male issue to adopt a son.

This right is frequently used to exploit a young widow and derive some indirect benefit for themselves by members of a joint family. In some cases the widow exercises the right merely to get some property through secret arrangements with the adopted son. The latter necessity will, however, not arise now as a wife gets a share in her husband's property and will still less arise in planned economy where man and woman will have equal rights to property.

The right to adopt a child is an individual right and cannot be interfered with. But we are of the opinion that adoption of a son for purposes of inheritance is undesirable.

In the case of ordinary adoption of a child by those who are childless, we would suggest that the same care should be taken in India as is done in America, where children are adopted through homes maintained for this purpose and where an endeavour is made to ascertain the type of child for adoption by a particular family. The greatest care is taken to ensure that no injustice is done either to the family or to the child and that, so far as is possible, both are suited to each other.

### **Birth Control or Limitation of the Family**

Importance of the limitation of family is being more and more realised in India as well as in other countries. Such a limitation is in the interests of the children, the parents as well as the nation. Advocates of birth control have for the past many years pointed out the necessity of limiting the size of the family as it would help to relieve the people of poverty, unemployment, malnutrition, poor housing and other miseries due to over population. This is an admission of the fact that all parents and specially those who are poor, are entitled to get information about, and in-

struction in the methods of birth control as much as those suffering from diseases are entitled to medical care.

From the national point of view, birth control is very important. It is generally known that countries with high rates of birth are also the countries with a high rate of infant mortality. Knowledge of birth control enables woman to limit her family and to see that children are not born in conditions in which they can hardly survive. This automatically brings down the rate of infant as well as maternal mortality. It will also result in the better health of the woman who suffers mentally due to a constant fear of pregnancy. Knowledge of birth control also will help to reduce cases of abortion, infanticide and suffering due to primitive methods resorted to by ignorant women to prevent child birth.

In India specially, where population is increasing by leaps and bounds, and where poverty increases in the same proportion, control of population is absolutely necessary. From the eugenic point of view the Indian stock is definitely deteriorating for want of proper selection as well as due to poverty, malnutrition, etc., factors which are detrimental to the nation's health. It is, therefore, the more necessary if we are really earnest about the well-being of the people to see that children born in this country are healthy and will continue to be healthy. This can only be possible if the right kind of persons marry; secondly if proper spacing of children is effected which will enable the mother to recoup her health after each child birth and also to give sufficient attention to the child before the next one is born; and thirdly by the limitation of the family, that is that too many children are not born if the family income is not large enough to provide for the healthy growth of all of them. This can be achieved if men and women have sufficient knowledge of the methods of birth control.

There are those who believe that the best method to control birth is that of self control. Self control is indeed a high ideal. We recommend it to those who can adopt it without any evil consequences to their health. But to offer this as a method of birth control to an average person is not to understand the frailties of human nature. We feel that if there are scientific methods to control birth, they should be made available to every man and woman so that they do

not bring forth children who are not wanted and thus be guilty of an anti-social act. We are aware that persons who are ignorant of such scientific methods resort to all kinds of wrong ways which result in ruining their health.\* We, therefore, recommend that birth control clinics controlled by the State and staffed with medical men and women should be established where instruction should be imparted to those persons who wish for it.†

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\* See Appendix 2—Provincial Opinions on Racial Health.

† See Appendix 24—Birth Control and Abortion.

## SECTION III

### CHAPTER VII

#### MISCELLANEOUS

In this Section we shall discuss such problems as have direct or indirect bearing on the status and position of Indian woman. It would be difficult to find a place for some of them in the preceding Chapters except by way of a passing reference, for instance the caste system. Some of them like the problem of the widows may not exist in the new society we are planning. It is, however, essential to discuss them and find ways and means of their solution as otherwise they serve as obstacles in the way of women's progress and therefore frustrate the progress of the plan. The last item that we shall discuss in this section is the method by which we can tide over the transition period; and prepare men and women for the coming order by educating them and particularly women to the realisation of their respective role in the new society to come, i.e., the method of propaganda.

#### **Caste**

Caste in its original form is purely a Hindu institution. Some vestiges of the caste system are still found among sections of Muslims as well as Indian Christians who have been or whose forefathers have been converts from Hinduism. We very often find the Indian Christians classed as Brahmin Christians, etc., and they do not intermarry with those who originally belonged to a lower caste. Whatever purpose it may have served in the past, the system as it prevails today has helped in keeping back the progress of the community. It has created inequality among the members of the same community by keeping down those who belong to the lower castes for the benefit of those who call themselves as belonging to the upper castes.

The rigidity of the caste system has affected the individual rights of man and woman, by preventing them from marrying outside the caste and thereby limiting their choice. This has resulted in disparate marriages where the



man is very often old enough to be father of the girl. It has resulted in the marriage of the educated with the uneducated which has brought about much misery and unhappiness to both the parties concerned and specially to woman. The rigours of caste system affects women more than they do men. The influence that the caste wields is gradually diminishing in the case of man, since he is unable in the course of his work or business to observe all the rules laid down by the caste. Any breach of the rules on the part of woman, however, is not tolerated. This hinders the free movement of woman and comes in the way of her education with the result that it has made her narrow in her outlook and very conservative. She in short has become the enemy of her own progress.

Each caste has its own rules and regulations and these are governed and enforced by Caste Panchayats. These Panchayats, though they have no legal sanction are socially very powerful. They have today become the anchors for all orthodox prejudices; and any reform finds in them an insurmountable barricade. Any attempt to oppose this caste tyranny leads to ostracism of the individual by the caste; and the threat of outcasting the individual is as patent a weapon as was the threat of excommunication exercised by the Pope. In the Baroda State a law is passed called "Nyati Tras Nivaran Nibandha".\* Its main purpose is to check the orthodox influence exercised by those Caste Panchayats on social progress. It makes any interference by any member of the Caste Panchayat in the matter of social reform a criminal offence. For instance, since the passing of the Widow Remarriage Act any social compulsion exercised by the Caste Panchayat to prevent a widow from remarriage, would be an offence. Any illegal harassment by the caste of any member of a reformer's family also comes within the purview. We strongly recommend similar legislation for British India and other States as an immediate measure. It is clear that any system for social order which promotes inequality is fundamentally opposed to the spirit of democracy and democratic planning. In so far therefore, as the caste system tends to retain inequality or to obstruct woman's advance it must be progressively put an end to.

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\* Caste-Tyranny Removal Act. 1933. Removal of restriction in sub-castes. Amendment Act 1938. Six months simple or Rs. 1,000 or both.

## **Widows**

In the person of the Hindu Widow we see tradition, and superstition, working in unison. In spite of a long period of effort on the part of social reformers no appreciable improvement has been made in the widow's life. There is, however, a growing realisation that the widow should not be degraded because circumstances over which she has no control have placed her in this unfortunate position. But tradition dies hard and even today in most sections of Hindu society the death of the husband is looked upon as the result of sins committed in a past life by his wife. The penalty of life-long widowhood would by itself have been a severe punishment for any young woman, but when added to this, society demands that she should divest herself of all her feminine attributes, the punishment becomes more aggressive.

Except for a few widows who are rich in their own right, the widow is dependent on the joint family and is made to do all the work of the household in return for her upkeep. She is deprived of the right to dress well, use ornaments, etc., as her state of dependency requires that she should not think of life outside the four walls of her home.

The widow's problem can be divided into that of:—

1. The child widow;
2. The adult widow.

Table No. 24 shows the high proportion of widows in India, especially those who are young. For every 100 widowed men under the age of 20, there are over 270 widows under 20. But while these boys, in almost all cases are likely to marry again, the majority of the girl widows will not be allowed to marry.

The tables giving the statistics of widows in India indicate a curious fact that the prejudice against remarriage has spread to a certain extent to those communities, e.g., the Muslims, Christians, etc., whose customary law allows widows to remarry without restriction.

Among Muslims, the proportion of widows to widowers under age 20 is slightly greater, being over 300 to 100. These widows are however allowed to remarry, though the percentage actually doing so is not very large.

Among Christians and Tribal classes, the proportion is slightly less, widows being allowed to marry again, here also, the percentage doing so is very small, as is evident from all India figures, given in Table No. 25.

TABLE XXIV  
Number of Widowed Females per 1000 Males.

	Indian	Assam.	Bengal.	Bihar & Orissa.	Bombay including Aden.	C. P.	Madras.	Punjab.	U. P.
Hindu ..	2810	2585	4518	3155	2902	3081	4531	1401	1771
Sikh ..	1312	....	....	....	....	....	....	1111	....
Muslim ..	2637	4599	5900	3746	1802	2704	5827	1280	1521
Christian ..	2903	....	....	....	....	....	3902	....	1380
Tribal ..	2954	2463	....	3095	....	8207	....	....	....
Buddhist ..	2886	....	2886	....	....	....	....	....	....

(Census of India, 1931, p. 246.)

TABLE XXV  
Distribution by Main Age periods of Widowed Men and Women Per 10,000.

	All religions.		Hindus		Muslims.		Christians.		Tribal.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
0-5 ..	5	11	6	13	4	10	2	3	4	8
5-10 ..	19	48	28	58	12	38	5	10	10	29
10-15 ..	36	97	44	113	25	78	9	22	28	66
15-20 ..	136	385	147	379	119	255	57	151	135	260
20-40 ..	479	1345	503	1480	433	1121	287	871	412	937
40-60 ..	1536	5071	1641	5312	1268	4956	1059	3913	1119	4037
60 & over ..	3217	8028	3331	8240	2920	7895	2792	7274	2401	7315

(Census of India, 1931. P. 245.)

From the Provincial analysis given in Table 25 we see that the All-India proportion of widows to widowers, (all ages) is about 2.6. Examining this ratio for the various provinces, we see that it is greatest in Bengal and Madras—being about 4.5 in the case of Hindus and 5.9 in the case of Muslims. Next come Bihar & Orissa and C.P., the ratio being 3.1 in the case of Hindus in both Provinces, and 3.7 for Muslims in Bihar & Orissa and 2.7 in C.P. The ratio is lowest in the Punjab and U.P. being 1.4 and 1.8 in the case of Hindus and 1.3 and 1.5 in the case of Muslims respectively.\*

The case of the child widow is pathetic. She is married and becomes a widow before she understands the meaning of the word 'marriage'. Regardless of her youth and the demand of sex, she is expected to turn herself into a kind of nun divesting herself of her long hair, gay clothes, ornaments and the red beauty mark on her forehead. She becomes the family drudge, and while looking after the children of other women must never desire any of her own. In short, all her natural inclinations must be ruthlessly suppressed. The consequence of this inevitably lead her to secret vice and sometimes lead her to prostitution. The poor and middle class widows are, in fact, one of the best grounds for recruitment of prostitutes in India.

The position of the adult widow is hardly better. The law affords her a degree of protection. But not infrequently the taboos imposed by ignorance and superstition combine to make her rights, such as they are, ineffective.†

We have described in the Chapter on Property Rights what are the claims of the widow to the property of her husband. We may add here that she is entitled to all expenses in connection with pilgrimage and other such expenses in proportion to her status in the family and social life.

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* Ichalkaranji : No. of widows					
Age	No. of widows.	Age	No. of widows.	Age.	No. of widows.
5 to 10	36	30 to 35	397	55 to 60	689
10 to 15	57	35 to 40	567	60 to 65	685
15 to 20	99	40 to 45	610	65 to 70	284
20 to 25	159	45 to 50	689	70 & above	326
25 to 30	306	50 to 55	662		

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† There is, however, the other side of the picture in which we see the elderly Hindu widow in the joint family enjoying position of respect and even authority within the family and all social matters at a period when her condition had not attracted any public attention. She has been a trustee of family property but has no right to any part of the property herself.

The widow, however, finds it very difficult to assert these rights. We, therefore, recommend that the widow should receive State aid, through the services of public prosecutors if she has to fight out her case.

### **Widow Re-marriage**

The Widow Remarriage Act of 1856 removes any legal hindrance to remarriage and recognises as legitimate the off-spring of such marriage. "No marriage contracted between Hindus shall be invalid and the issue of no such marriage shall be illegitimate by reason of the woman having been previously married or betrothed to another person who was dead at the time of such marriage, any custom and any interpretation to the contrary notwithstanding." (Section 2, Widow Remarriage Act).

The Act deprives her of property acquired before marriage, through inheritance, maintenance or testamentary disposition, but it does not affect her right to inherit after marriage. The Section does not make clear the effect of remarriage upon the property of the widow which she has obtained through partition, and also the effect of remarriage on the custody of the children of the first marriage. While removing the legal obstacle, the Act affords no protection against the social ostracism consequent upon such marriage. In this connection a reference may be made to the Gwalior State Regulation concerning remarriage. This regulation not only legalises such marriages but makes adequate provision for penalising those who obstruct them by threats of social ostracism. We think, therefore, that a law or amendment to the Act of 1856 should be made, by which any attempt to coerce or obstruct a widow from remarriage, or to deprive her of her rights or her economic and social freedom will be penalised.

In spite of the Act of 1856 widow remarriage has not made much advance.\*

### **Recommendations**

We are strongly opposed to widowhood being considered as a perpetual condition. Every effort should be made by education, social reform and even legal reform, to put an end to the evils that result from such condition. We

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\* Even in a progressive area like the Bombay Presidency only about 50-60 widows remarry every year out of a total of 1,958,819 and these belong, either to the working class or to the small and sophisticated upper middle class.

desire that the widow, instead of being the nation's liability be turned into a useful member of society; and that every opportunity should be given to direct her intellect, energy and devotion into creative channels. Widows should have the same social and economic rights as any other citizen and no social or legal disabilities should attach to them. The Committee is of opinion that widows should be entitled to remarry and we have already suggested above, the means of popularising the idea. However, we would like to make it clear that widows' problem cannot only be solved by remarriage. Training for economic independence and self-reliance are essential for the re-establishment of her position as an individual in Society. Another way of doing this is to accept the principle that marriage shall not be a condition precedent to full and equal civic status. Social rights and economic privileges on these lines will really remove all obstacles. We visualize a state where there will be no special problem of widows.

As a preliminary step for the application of all remedial measures, we think that the compulsory registration of all widows should be necessary. This is, we realize, an idea obnoxious to Indian sentiment at present, but we feel that it will eventually become a feature of many remedial and reconstructive measures, as without this neither the information nor contact necessary can exist which is so essential for planned action.

Registration presupposes an authority local or otherwise which will also look to the work of registration and co-ordinate the welfare of those registered. We recommend that an officer should be appointed for every 50,000 of the population who will act as a consultant on women's rights and difficulties, help in matters of social legislation, help the court of wards to look after the estates of minor or illiterate widows, and act as supervisor of women's institutions; co-relate training and opportunities for employment of the widow, assess the needs of the widow and the degree to which the State should be called upon to render financial aid.

The officer recommended by us must of necessity be a woman. But if no competent woman is available in a particular district, a start may be made with a suitable man.

Such an officer is, we feel, essential if woman's emancipation is to be given practical shape.

**Widows' Homes**

At present in various Provinces there exist widows' homes and other such institutions where widows take shelter when they have to face any difficulty from the family members or from Society. But mostly the benefit of these institutions is taken when a widow is placed in difficulties. There are some institutions which are specially meant to give educational facilities to widows. Most of these institutions are conducted in an orthodox manner. A widow educated in such an institution can rarely free herself from the complexes and taboos which society has forced upon her.

Widows' homes should not be marriage bureaux in disguise; but should be centres for training them for some occupation, so that it might eventually lead to the economic independence of the widows.

**Unmarried Mother**

The problem of the unmarried mother is not uncommon in this country. Here as in other countries woman alone is made to suffer social displeasure. She is thrown out of the family and having no education or other means of livelihood has no other recourse but to prostitution.\* She is more sinned against than sinning. Society has no right to ostracize her alone and allow the man to escape since both man and woman are responsible for the child. It is not always easy to get them married as very often the man has already a wife. The responsibility of bringing up the child and maintaining it should devolve on both. In case, however, where man is not married but marriage between the two is not possible because either party refuses to marry or either party is not fit to be married, court should hold both or either party responsible for the maintenance of the child. Man should be liable to punishment as much as the girl, if he refuses to recognise their child or to maintain it and as a result of which the girl deserts it or resorts to infanticide. We are of opinion that the court should consider each individual case and see that the woman alone is not punished while the man escapes. One way to minimise the crime of infanticide and the death of infants due to desertion is to bring about co-operation between doctors, nurses, and health visitors with the social workers. Any case of a woman seeking their help to bring about abortion should

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\* See Appendix No. 26. 'Prostitution.'

be reported to the social workers who should persuade the woman to go to a protection home.

### **Illegitimate Child\***

An innocent child should not be made to suffer whatever its origin is. It should receive all protection at the hands of the State. Even if the child is born out of wedlock the mother should be entitled to all medical help at the time of child birth from the State as any other woman. The child should be allowed to use its father's name and should be entitled to a share in the father's property. The State in short should make no distinction between a child born in wedlock or a child born out of it, and the child should be entitled to all the rights and privileges of a citizen.

### **Prostitution and Traffic in Women and Children**

Prostitution and traffic in women and children are occupations in which all over the world quite a large number of men and women are engaged. Public opinion towards prostitution varies.† Certain theories recognise the existence of prostitution as a necessary evil and attempt to control it by segregation and other similar devices. Others regard prostitution as anti-social, constituting an offence in the eyes of law and carry on campaigns to rid society of this evil. Efforts at eradicating it through special commissions, vigilance societies, special preventive forces, special laws, etc., have all proved ineffective. Where such measures have been taken it has only driven the occupation underground and it continues unabated, persistent and dangerous to the 'moral code' of the present social system.

Prostitution is a wide problem which according to some is due to certain psychological abnormalities besides the economic causes. We are in this report not concerned with either psychological or sexual abnormalities, but only with prostitution and traffic in women and children in their economic and social aspects as occupations to which men and women have taken in order to earn their livelihood. The Concise Oxford Dictionary defines a prostitute as "A woman who offers her body to indiscriminate sexual intercourse for gain." Two elements distinguish this prostitution from any voluntary union between man and woman, i.e., the absence of a right of refusal and monetary gain. It is only to prostitution of this character that we will devote

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\* See Appendix No. 27. 'Illegitimate Child.'

† See Appendix. 26 'Prostitution.'



our attention. This form of prostitution is inevitably linked up with the economic dependence of woman.

"The foundation of prostitution is hunger. If hunger did not exist, there would still, of course, be women for sale so long as there are men to buy them; only the number of prostitutes would be far less."\* There would then be only those who are willing and not those who must. That poverty is the chief cause is further shown by the enquiries made by the League of Nations in different countries including India; but in India the problem has other aspects which do not exist in most other countries. So far as we are aware there is no all-India legislation on this subject. Each province has its own regulations, and yet much remains to be done by the Government to solve this problem.

We have made efforts to study this question in its various aspects, but due to lack of time for a thorough investigation, and due to other difficulties of approaching people actually connected with this trade, we have been unable to get facts and data to suggest effective measures. The greatest difficulty in our enquiry has been the spirit of suspicion and lack of confidence from those engaged in this profession. This can be understood when we realise what the attitude of society is towards them. While exploiting them, society and the state have treated them as moral lepers, with the result that it has created a strong spirit of hostility and vindictiveness among those who follow this occupation. Their outlook towards the social order is one of challenge, revolt and revenge. This even from a negligible minority of the population is a great danger to any efforts to remould the present social order. It is also dangerous to the health of the nation for it is a well known fact that prostitution is a source of spreading venereal diseases and increase of vices such as drunkenness, gambling, etc.

In this report, we consider this problem from a scientific view point, irrespective of what ethically or morally, as individuals, our outlook may be. All the same the problem needs to be handled with sympathy and understanding of human nature.

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\* Assam : Few women as a class carry on immoral trade because of economic need or social custom. This is due to the universal popularity of weaving which provides them with a livelihood.

## Types of Prostitutes

Prostitutes in India can be classified into: (1) the ordinary commercial type; (2) the courtesan; and (3) the Temple prostitutes.

### The Commercial Prostitutes\*

She inhabits mostly the towns; and, where regulating systems are enforced, in a particular quarter of the town. Where there is no regulating system, she is found residing all over the place seeking clients. Where she does not do this personally, she has pimps to find her new clientele. She has to accept every man who comes to her and offers to pay for her services. Her education is nil and she is driven to this occupation mostly owing to certain unfortunate circumstances.

### Courtesan

Next we come to the courtesan. In her case the profession is often hereditary. Prostitutes that come into this class are very different from those we have described above. They are an institution from an older form of society, in which they had a definite place. These women in the ancient days were the harbourers of culture and refinement. They were known for their beauty, grace and culture. They were often very rich themselves and hence the economic side of the question did not carry much weight with them. They chose their companions. A courtesan sometimes even lived with the same man during her life time. They had a strict moral code of their own. The present society does not look upon them with that former favour and in course of time it is expected they will disappear as a class.

### Temple Prostitutes†

The custom of dedicating girls to the temples still prevails. These women have a long tradition of music and dancing of the highest order to their credit and were originally attached to temples to dance before the idols. The system has now degenerated to that of prostitution. Sacred prostitutes in India are known by various names.‡ They

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\* See Appendix No. 26 'Prostitution.'

† See Appendix. No. 26. 'Prostitution.' The type illustrated by Vasantasena, the heroine of the most ancient Sanskrit Drama, the *Mrichhakatika*, the Clay Cart, is getting rarer and rarer; but not altogether unknown, even in these days.

‡ See Appendix No. 26. 'Prostitution.'

now form a regular caste having its own laws of inheritance, its own customs and rules of etiquette, and its own caste councils to see that these are observed. The act of dedication usually consists of marrying the girl to the idol or god, or to some inanimate object like a sword or dagger, the TALI or necklet symbolising marriage being tied round her neck by a male member of the caste. The caste is recruited in various ways. Sometimes the women themselves choose one or more of their children to succeed them as temple servants. Others dedicate themselves, or are dedicated by their parents and relatives, in pursuance of vows made to the god; others again adopt female children with the object of dedicating them to the temple service. Temple priests, rich devotees and religious teachers are also often responsible for duping women in the name of service to God.

#### **Causes that lead to prostitution\***

The causes which lead to prostitution are mainly social and economic. Women are generally victims of circumstances and are driven to a life of shame. We shall deal with each set of causes separately.

#### **Social Causes**

The general attitude of society towards women in this country, the evil customs, the one-sided laws, all these have led women to prostitution. Kidnapping, enslavement, rape and harassment of women were common practices in the past, and even now exist in some places as a result of family feuds. It has always been considered a sign of victory in war and a method of taking revenge. The root cause of this attitude towards woman is her status in society. As long as woman is considered as property to be safeguarded in the interests of the family, the idea of bringing shame to a family or country by kidnapping women will persist. The only way to solve this problem is to change the position of woman in society and make her equally responsible for the well-being of the social order.

It is a common experience of social workers that a quarrel in the family results in the woman being driven out of the home irrespective of time and her condition. This treatment results in a severe shock to the self-respect of the woman and makes her bitter and revengeful. It often re-

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\* See Appendix No. 26. 'Prostitution.'

acts in a mood of severe depression, which leads to suicide. In the former case the woman thus driven out of the home falls into the hands of the procurers. Hence we strongly recommend that legal steps should be taken prohibiting and punishing any person who drives a woman member or minor child from the house without making any previous provision for her maintenance and shelter.

Among the evil customs that lead woman to prostitution is that of dedicating girls to temples. Young girls so dedicated cannot marry and therefore fall an easy victim to the machinations of the temple priests and rich devotees who frequent the temples. We recommend that legislation be immediately enacted to eradicate this evil from society.

The evils resulting from child marriage are innumerable. Young helpless girls are very often sold in marriage and taken away far from their home and used for immoral purposes. The child wife married to a man old enough to be her grandfather is often dissatisfied with her married life and falls an easy prey to temptations which generally lead her to prostitution.

Widows and orphan girls who have to lead a dependent life are often exploited for immoral purposes by the male relatives in the family; and if their sin is exposed they are abandoned through false notions of family prestige by the family as punishment for their moral lapse, while the man offender is allowed to escape. This dual standard of morality is also responsible for driving women to a life of shame.

Lastly those one-sided marriage laws which while allowing polygamy make no provision for dissolution of marriage. The result is that the woman whose husband marries finds her life very difficult. If she has to leave the home and has no independent means of livelihood, she finds herself stranded and resorts to prostitution.

### **Economic Causes**

Dependence of woman is the main cause which drives her to this nefarious trade. We have already said that "the foundation of prostitution is hunger". Woman today is not educated enough to earn her living if thrown on her own resources. It is very often out of false notions of family prestige that she is not allowed to earn, and the idea persists that because woman does not need to earn she need not waste her time on education. In these circumstances if she is either deserted by the husband or thrown out of the family the only way she can support herself is to resort to

prostitution. We hear from some of our workers' groups that women labourers who are paid an inadequate wage resort to prostitution after their day's work. The only way to remedy this is to accept the principle of a minimum living wage paid on an individual basis. This has already been discussed in the economic section.

Women who come from villages to urban areas to seek employment find themselves in strange surroundings and are often bewildered. It is then that they fall a prey to conductors of this immoral traffic. By false promises of employment they are enticed to the brothels where they are condemned for ever to a life of prostitution.

### **How the traffic works**

Poverty and unemployment lead to increase of speculation, gambling and also trafficking in women and children. Certain men and women make a business of procuring immature girls, stranded women and dissatisfied wives, and induce these helpless women to go either into brothels directly or find them customers. They charge a commission on this work and thus make their living. Some of them travel from place to place in gangs arranging false marriages after gaining the confidence of the local inhabitants. The girl member of the gang so married stays with her husband till she is able to lay her hands on his valuables. She then escapes with the gang to another locality. These girls are often married ten to fifteen times.

There are in existence regular centres from where girls and women are sold; and there are also some areas in the Kumaon Hills from where girls are recruited and sent to all parts of India. There is an organised machinery of procurers which consists of two types of men and women. (1) Organisers who work in the background, financing the movement and finding the purchasers. It is regrettable to find amongst this group people who are considered above reproach, such as doctors, horse cart drivers and jobbers. Even police officers are involved in this trade. When they get into trouble, these people can manage to get legal assistance to save themselves, or can cleverly sidetrack the main issue by giving the whole question a communal turn. (2) The actual procurers who are necessary to do the kidnapping and enticing. In this group we find blackmailers, bullies and ruffians from all castes and creeds.

Another well-known method of trafficking in women and children is found in pseudo women's homes and ashrams

conducted by pseudo social workers and reformers—men and women. These institutions are sometimes registered according to the Government rules and regulations. The organisers gather donations from philanthropists, and carry on their work by gaining the confidence of people amongst whom they work in towns and places of pilgrimage. These organisations serve the purpose of clearing houses. Under the pretext of arranging marriages of the inmates, they find opportunities for the sale of girls and the money thus obtained goes into the pockets of the organisers. As long as there is no suspicion, these institutions flourish; but at the slightest suspicion they suddenly disappear only to come up in another place under a different name and management. We feel that all rescue institutions should be supervised by a woman welfare officer and all social workers should be registered.

Another well-known order that works as a procurer is that of the professional 'Sadhu' and 'Fakir'. When we speak of the Sadhu and the Fakir, we do not mean the true yogi and a true Fakir, but one who is a pretender and who covers his criminal activities under a Sadhu's or a Fakir's garb. This profession of Sadhu and Fakir has today become the shelter for unemployed, unscrupulous characters who have no desire to work honestly for their living. Existing religious superstitions enable these ruffians to earn an easy livelihood in the guise of religious mendicants. They preach superstition, create quarrels and entice away women with false hopes. A large number of women who blindly follow religion unconsciously get into the hands of these procurers. At the places of pilgrimages and fairs they mislead women who fall into their traps. We strongly recommend that this class of pseudo-religious, wandering Sadhus and Fakirs must be put an end to even if necessary, through legislation.

Supervision and control of urban and rural boarding houses, Dharmasalas etc., should be undertaken and separate residential arrangements should be made in Dharmasalas for women travellers. At the places of pilgrimage a network of women social workers should be organised.

Railway stations often become recruiting grounds for prostitutes. Procurers are on the look out for ignorant stray women passengers who are misled. We feel that in all railway stations and centres of transport trained women guides should be provided to help women passengers.

**How to solve the problem**

The question of regulating and controlling prostitution has raised a great deal of discussion in the past. The central organiser of the Association of Mental and Moral Hygiene in India, Delhi, says: "There should be no attempt to control or regulate professional prostitution. In past such attempts, whether by licensing of prostitutes or brothel taxation and medical inspection of inmates of a brothel have proved to be hygienic mistake, a social injustice, a judicial crime. The League of Nations Report and enquiries reveal the failure of the regulation system from the health point of view and has been abandoned in 45 countries." We endorse this view but at the same time we feel that since prostitution has been driven underground, some steps should be taken to see that women carrying on the trade clandestinely do not spread disease out of ignorance. Prophylactoria\* centres should be organised where these women may resort to for treatment. The centres may also give training in some occupation to such women who would like to give up prostitution and earn an honest living. Efforts should also be directed to provide alternative employment to women in the special recruiting areas.

It is encouraging to note that in some places in India women who are courtesans and those who have taken to prostitution for economic reasons are trying their best to get out of it through marriage or economic training. And if they are unable to get out of it, they have at least wished and tried hard to see that their daughters are not forced to lead the same life as themselves. We are told that in some places, these prostitutes and courtesans have themselves organised industrial training centres and educational institutions for their own uplift. Looking to the training and tradition of Indian women, we are confident that if efforts are made in co-operation with these women to eradicate this evil from society, they will prove successful. But this is only possible in a planned society where economic conditions will change, education will predominate and the dual standard of morality will be replaced by a common but higher and healthier standard of life between man and woman.

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\* The task of prophylactorium is to cure the sick woman, re-educate her for work, and raise her cultural level. Each of these institutions has living quarters, all medical facilities required, and industrial workshops.

(For further information see Appendix No.26).

**Abortion\***

In India abortion is more widespread than is generally realised. It is either brought about by natural causes due to general ill-health, deficiency in diet and malnutrition and constant pregnancies or by artificial methods resorted to by (a) unmarried mothers; (b) widows; (c) deserted women; and (d) women who are burdened with too many children and lack health and means to support them; (e) women who resort to abortion in order to relieve themselves of further unwanted children who interfere with their social life. Abortion being illegal, it has become extremely difficult to collect sufficient data on the subject. An enquiry amongst certain people practising Ayurveda, Allopathy, Unani and Homeopathy has enabled us to collect some information which we are reproducing in the Appendix.

The usual methods resorted to by most women are very crude and dangerous, leading in most cases to lifelong illness or even death. There was a difference of opinion in the Committee as regards the grounds on which abortion should be permitted. The majority of members feel that legalised abortion should only be permitted on two grounds: (a) when pregnancy is medically considered to be dangerous to the health of the mother; (b) when the pregnancy is the result of rape. Some others, however, consider that abortion should be forbidden only after the new social order has come into being, where the unmarried mother and the illegitimate child are no longer ostracized and have the same status and rights as other members of society and where the State can accept the responsibility for the education and upbringing of every child in the community so that the mother who due to economic reasons cannot afford a child can bear it knowing that the State will provide for it. Until this is accomplished women should not be forced to bring forth an unwanted child. While abortion should be discouraged the State should provide facilities for abortion in the case of the woman who feels that she cannot afford a child or that having a child would have a detrimental effect on her mental and physical health.

**Propaganda**

No State can attempt to plan with any degree of success unless it has at its command a powerful and effective machinery of propaganda to permeate every avenue of the

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\* See Appendix 25. 'Birth Control and Abortion.'



social life. Propaganda has a dual function to perform in India. It has to destroy and eradicate all superstitions and customs that hamper the advance of woman, break the old traditions that train boys to authority and girls to dependence. As reforms cannot be superimposed, we have to create an environment where the will to change can develop. To that end it has to build character and a new outlook on life amongst men and women.

The instruments of propaganda may be divided into three main groups; education, personal contact and mechanical instruments.

**Education:**—Literacy, Co-education, Physical Culture, Change in Parental Outlook.

**Personal Contact:**—Social Service Workers, Youth Labour\* Service and other Youth Movements, Kirtans, Kathas, Prabhat Pheris, Village Songs and Dances, Amateur Dramatic Movements.

**Mechanical Instruments:**—Posters, Press, Propaganda vans and carts, Radio, Magic Lanterns, Gramophones, Wall Bulletins and Cinemas.

To be effective these instruments will have to be controlled and co-ordinated; and for this purpose a Central Organisation is necessary to study the needs of each separate area and co-ordinate the various efforts with the ideals of a planned economy.

Propaganda will have to be directed at a vast number of illiterate or semi-literate village and urban dwellers and a small group of educated or intelligentsia. Personal contact will be most effective in the former group where a preparation of ground work will be necessary. The more this groundwork is ready the less will be the need for personal contact and the mechanical instruments will slowly take their place.

Education as an instrument of change has already been adequately dealt with in the pertaining section. Here we will only emphasize that the education of the child will not be sufficient unless it is accomplished by a change in the parental outlook, and to this end the education of the parent will be necessary. As far as propaganda and literacy are concerned, the task of the former will be to provide a constant stimulus so that a lapse into illiteracy does not result. Suitable books and pamphlets will have to be provided and

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\* See Appendix 17A—An Indian Youth Labour Movement.

the number of travelling libraries increased. Pamphlets relating to the position of the woman will have to be distributed so that women come to know their existing rights. More use will have to be made of propaganda vans or carts travelling from village to village, carrying newspapers, books, pamphlets, magic lanterns and slides and a radio.

The necessity of an adequate number of trained social workers has already been emphasized. Trained social service workers can be recruited in three ways:

1. Social Service Conscription.
2. Recruitment from local panels of Youth Organisations.
3. Training of deserted women widows and voluntary enlistment.

A useful expedient would be to send back men and women workers wherever possible to the locality from where they came; so that being a familiar with local conditions they could more easily co-ordinate their training with the environment.

An interesting experiment has been tried in some countries of Europe. Itinerant schools of social workers have been established travelling from village to village with halts of from 2 to 3 weeks. These schools teach cookery, food values, vegetable and flower rearing, health and hygiene, and sanitation and an outline of civic rights of the woman worker and her duties.

Propaganda can best reach the peasant by the organising of his leisure. The village teller of stories, Kathas, Kirtans, village songs and dances, local passion plays, have long formed the centres of village recreation, but slowly the real meaning has become lost and they have become vehicles of superstition and dogmas. It is interesting to note here that in many villages caste is not taken into account in community songs. Often the best singers are from the Harijans and they are listened to with the same rapt attention. It is through the re-orientation of this simple joy of life that we can best approach the villager. The Central authority's task, we feel, should be to see that all Sadhus and story-tellers and Katha reciters are educated and licensed. Vigorous attempts should be made to weed out superstition from all Lok-kathas and songs. Folk stories and songs which have died away as the result of the introduction of mechanical instruments of recreation should be revived. We feel that local youth organisations should

be established in every village. They should be entrusted with the task of organising village activity and should form the executive arm of propaganda. They should conduct local Akhadas for physical culture, organise group games, group singing, group festivals and amateur dramatics. They should also be entrusted with the duties of registering births and deaths and with the task of reporting the outbreak of diseases.

The holding of fairs, festivals and melas must be encouraged. It is a great pity that when the villager comes to the city to seek employment, he loses all touch with this lighter side of life. Attempts should be made in all industrial centres to establish clubs and recreation centres where amateur dramatics and songs could be organised.

Mechanical instruments will be most effective amongst those people who due to a faulty education have not been trained to think. Because of the nature of these instruments and the financial expenses involved, they can be available to comparatively few people and as such the appeal and propaganda value will be limited.

A fairly efficient press exists catering to the needs of the middle class. We feel that in all these papers sufficient stress is not laid on the social aspects of reform. The woman's page is not organised and where it exists the material is poorly presented. There is also great need for children's papers. No adequate press exists catering to the needs of the peasant. His problems, his wants and his interests are very different to those of the urban dwellers. The language of presentation to appeal to him should be simpler and more direct. More use should be made of pictorial representation with forecast of weather conditions, seed planting, etc. A certain number of free copies should be circulated to all village libraries and schools.

The cinema as a mind forming instrument, has tremendous power because of its ability to transform fiction into fact. Strict censorship is necessary, not aimed merely at the removal of immoral scenes but rather emphasized at deleting all that is contrary to the aims of national planning. Film directors should be encouraged to seek fresh material, aimed at emphasizing the need of reform and thereby helping to create a healthy outlook and desire for change.

The difficulty of broadcasting lies in balancing the needs of the various elements of the community and of providing the right information at the right moment. It would be useful if the social workers in the urban and rural areas could forward information as to what type of information is necessary. Till electricity is made available in small towns and villages, more use should be made of propaganda vans carrying portable transmitters.

## CHAPTER VIII

### A SUMMARY STATEMENT OF POLICY

#### **Purpose of This Statement**

In the foregoing Chapters we have made an attempt at describing the role of Indian woman in the Planned Society. Our recommendations are irrespective of the basis of the new social order. Some of them can be brought into effect in the near future as they deal with problems arising from the present social conditions. Such immediate measures, we are of opinion, will accelerate the progress of the Plan. In this Chapter we give a short summary of the statement of policy underlying our main recommendations.

#### **Chapter I—Civic Rights**

Whatever be the form of society as emerges out of the plan, woman shall have an equal status and equal opportunities with man. The State while planning shall consider the individual as the unit. Marriage shall not be a condition precedent to the enjoyment of full and equal civic status, social rights and economic privileges. This essential equality is based on the fundamental principle that woman with man has an equal contribution of instructed judgment to make to the community and to that end the State must grant her certain rights.

- (a) **The Right to Franchise:**—That the franchise shall be on the basis of adult suffrage and woman shall have the right to vote, to represent and the right to hold public office.
- (b) **The Right to Health:**—The health programme of the State shall aim at:
  - (i) The gradual eradication of all such diseases as impair national health and cause the degeneration of the race by insistence of medical certificate before marriage and sterilisation of the unfit.
  - (ii) The establishment of a universal scheme of social insurance which shall include benefits in the case of maternity, care of the child, etc., and shall also provide for benefits in the shape of maternity homes, creches, etc.

- (c) **The Right to Leisure:**—The plan shall include provision for facilities to ensure each citizen certain leisure for his or her mental attainments.

Society today ostracizes woman for the same moral lapse for which the man goes free. An identical standard of morality should be insisted upon for both man and woman.

Every person born on the soil of India shall be considered an Indian citizen. Persons born of alien parents and married women marrying non-nationals of India shall have the right to choose their nationality on reaching the age of majority.

The child today is the citizen of tomorrow. The rights of the child should, therefore, be safeguarded by the State. Every child born in or out of wedlock shall have the right to education, to health, and protection from abuse, neglect, economic exploitation and moral hazard.

## **Chapter II—Economic Rights**

The right to work is a claim to something more fundamental than a mere chance of earning an independent income. Out of the total female population of about 180 millions nearly 50 millions are wage earners.

In both rural and urban areas women of the working classes are recognised as instruments of labour. A fairly large proportion of them are found engaged in all types of manual labour, agricultural, domestic and industrial occupations. This labour must be recognised as a separate unit of production and not as it is today, a corporate part of the family work.

The majority of middle class women look to marriage and maternity as their ultimate goal. Employment for wages amongst this group carried with it a certain stigma and is regarded as an interim period of waiting. This half-hearted attitude of vocations renders difficult the recognition of women's position in the economic sphere and can only be solved by overcoming social prejudice against her entry in all spheres of economic activity.

Before woman can be recognised as a separate and independent unit in the economic structure with equal rights and equal status, the State will have to ensure to woman:

- (1) **Equal opportunities** by throwing open all avenues of employment and removing any impediments which might in effect prevent her from taking a full and equal share in the economic life of the community, and by making her eligible in the same way as man, and on the same condi-

tions for all grades and branches of public service, employment and in the pursuit of trades and professions.

(2) The practical recognition of the principle of equal wage for equal work in such a manner that it does not create unemployment or bar employment to woman.

(3) Protection from various evils and dangers that threaten the woman as a worker by so organising the various economic activities and providing such safeguards, that while leaving her free to take part in the economic life of the nation it does not injure her health, nor does it indirectly result in her unemployment. This the State should do by:

- (i) reckoning wages on an individual rather than a family basis;
- (ii) protecting the married woman worker from being thrown out of the work on the ground of rationalisation;
- (iii) providing alternative employment to women thrown out of work by reserving for them certain services, like teaching or nursing.
- (iv) prohibiting night work and work in heavy industries only to pregnant and nursing women and women under the age of 18;
- (v) reconciling woman's independent economic activity with family life and care of the child by providing maternity benefits and creche schemes which should form part of the general scheme of social insurance;
- (vi) abolishing the jobber system and system of recruitment through intermediaries;
- (vii) ensuring to the woman wage earner exclusive control over her own earnings; and
- (viii) organising women workers and encouraging them to become members of trade unions composed of both men and women workers.

(4) A great many women will confine their activities to the home, and in any event, a great part of their work will be done in the home. This home work, though not recognised in terms of money value, is an essential contribution to the social wealth of the State and should be recognised as such. The aggregate of social wealth under planned economy will include all kinds of work, whether rewarded in money value or not.

(5) Cottage industries are essential to India at the present time. They are required to supplement large scale industries as a means of subsidiary employment.

### **Chapter III—Property Rights**

So long as the system of private property remains the foundation of the social structure, woman shall have the same rights as man to hold, acquire, inherit and dispose of property. These rights are not enjoyed by the Indian woman today on the same basis as man. Their enjoyment varies according as the woman belongs to one community or other, the rights to property being governed by the personal laws of the communities.

This diversity of laws as it exists today is in itself an anomaly since the State has to differentiate between one person and another within the same State. A common civil code, therefore, should be evolved and should include:

- (a) inheritance law to be based on the Indian Succession Act;
- (b) marriage law; and
- (c) divorce law.

The code should be optional to begin with but should be universally applied within a reasonable period of its passing into Act. In the meanwhile, however, immediate changes are necessary in the existing laws to remove the injustice done to Indian women. They will be on the following basis:

“Daughter will be entitled to the same rights to succession or inheritance and acquiring property as if she is a son;

“All properties belonging to husband and wife respectively at the date of the marriage shall thereafter remain their separate property; and

“The income or acquisition from any source whatever made or acquired during coverture will be owned by the husband and wife jointly.”

### **Chapter IV—Education**

Education is vital to both man and woman; hence it is essential that no branch of knowledge shall be considered the special preserve of either sex. Whatever facilities are given to man for educating himself shall also be given to woman.



There shall be no discrimination based on sex in the educational curriculum, but special training for particular occupations and needs and special aptitudes of individuals shall be provided for. The importance of physical education in the curriculum shall be recognised.

There shall be a well-defined national system of education. This system will include both pre-basic as well as adult education in its extent.

The Primary or Basic education shall be universal and compulsory for both boys and girls. The age of compulsion shall be from the 7th year to 14th year. There shall be part time compulsion up to the age of 18.

In the interests of social equality, mutual understanding and better co-operation between the sexes as well as in the interests of planned economy the ideal of the system of co-education in all stages must be kept in view. A national system of education should be based on common institutions and a common course of study for boys and girls. During the transition period, for the adolescent stage, common high schools for both sexes should be encouraged, but provision should also be made for separate high schools for girls where such are required and there is a sufficient demand for them. Wherever public opinion is felt to be in favour of co-education all educational institutions financed by the State and local bodies shall be non-communal and co-educational in organisation. The staff in all co-educational institutions must be mixed.

### **Chapter V—Marriage**

Marriage being the foundation of family, marriage in some form will always be necessary. Today the forms of marriage differ in India according to the various personal laws. The sacramental aspect of marriage exists where religion still dominates. This domination of doctrinal religion has done harm to the individual, specially in cases where the sacramental bond of marriage is considered indissoluble. From the rational point of view, marriage is a voluntary association of two individuals with rights and obligations attached to it. It is the duty of the State to protect these rights and enforce the obligations. Marriage, therefore, must be a civil contract as far as the State is concerned. This does not mean that the State will interfere with the religious ceremony in connection with marriage; it only means that as far as the State is concerned marriage shall be a civil contract. The new civil code referred to

in the previous Chapter will include the law of marriage. It shall be optional to begin with but shall be universally enforced after a prescribed period. Under this law, marriage shall be defined as a monogamous contract dissoluble at the will of either party under conditions laid down by the State. Till the time the civil code is made universally applicable, changes in the existing laws, specially the Hindu law, are necessary with regard to:

- (1) Registration of Marriage;
- (2) Raising the age of marriage;
- (3) Prohibition of polygamy side by side with introduction of divorce.

### **Chapter VI—Family**

Woman must have the same status as man in family life and all its relationships.

The present position of woman in the joint Hindu Family has stunted the growth of the individual and the system is incompatible with the emancipation and free development of woman. She has hardly any independent social or economic existence of her own and her position is considered in virtue of her relationship to man as wife, mother or daughter. This position must undergo a rapid and considerable change in order to enable woman to take her proper share in the life of the community.

The individual family is bound together with ties of affection. This association should be voluntary and no element of compulsion should be introduced which might lead to the breaking of the bonds instead of strengthening them. While this type of family will and should continue, the individual and not the family shall be the unit as far as the State is concerned.

Both the parents are natural guardians of the child. The law of guardianship today is defective in so far as it postpones and subjugates the claims of the mother as guardian to that of the father and must be amended so as to recognise this important fact.

The limitation of the family is vital today from the economic, health and eugenic points of view. Knowledge of birth control is, therefore, absolutely necessary. Self-control is the best method for those who can exercise it without ill effects to their health. But this is a method which we cannot offer to the average man and woman and hence knowledge of scientific methods of birth control must be made available to those who desire it. Birth control clinics

should be established by the State for the purpose and these clinics should be staffed with medical men and women.

## **Chapter VII—Miscellaneous**

**Widows:**—Widowhood shall not be considered as a perpetual condition and efforts should be made by education and by remoulding of social outlook to put an end to the evil attached to this institution. Facilities for training should be provided so that a widow could become economically independent.

**The Unmarried Mother:**—An unmarried woman is not solely responsible for the birth of a child. She alone, therefore, should not be ostracized by society and man should be made to share the full responsibility for the child with the mother as though the child was his legitimate child.

**Illegitimate Child:**—A child born out of wedlock is innocent and must not suffer for the action of others. There should be no restrictions made either by law or society between child born in and out of wedlock.

**Prostitution:**—Society must change its attitude towards prostitutes. While exploiting them today, society and the State have treated them as moral lepers with the result that it has created in them a spirit of hostility and vindictiveness and an outlook of challenge, revolt and revenge against the social order. The evils of our present social and economic conditions leave many women with no other alternative but prostitution to save themselves and sometimes their dependents from starvation. We feel that while attempts are made to remould our social and economic life and to create a new outlook, efforts should also be made to reclaim those women who have been driven to prostitution.

**Abortion:**—Legalised abortion should only be permitted

- (a) When pregnancy is the result of rape,
- (b) When the pregnancy is considered dangerous to the health of the mother.

## **Conclusion**

We have come to the end of our work. The various recommendations we have made will mean legislative measures. A great deal of co-ordination of social work, however, is also necessary to carry out the policy underlying these various recommendations. Investigation into the problems raised in the report is equally essential. The N.P.C. in making its provisions for administrative machinery

should include a ministry of social affairs\* to co-ordinate and investigate into all problems connected with social welfare. In the meanwhile, however, we urge the N.P.C. to carry on the necessary propaganda directly or through the existing women's organisations to educate the public and specially women to the aims and objects underlying the plan in order to prepare them for the new order. We have not been able to assess in every case the financial implications of our proposals. But as our report does not pretend to do anything more than merely outline a plan, this is unavoidable. We urge that those implications be worked out while considering the plan as a whole by the N.P.C., since our recommendations will have to be fitted in with the general plan to be decided upon by them. We, however, would like to impress upon the N.P.C. that the plan can advance only when all the aspects of life develop side by side. Mere political or industrial advance, therefore, will have no meaning unless progress is also made in social as well as in other directions.

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\* See Appendix 29—Public administrative departments dealing with the employment of women.

## CHAPTER IX

### SUMMARY OF RECOMMENDATIONS

#### Chapter 1—Civic Rights

1. We fully endorse the declaration of the Fundamental Rights of Citizenship in India made by the Karachi Session of the Indian National Congress in 1931 which lays down that:

- (a) "All citizens are equal before the law, irrespective of religion, caste, creed or sex.
- (b) "No disability attaches to any citizen by reason of his or her religion, caste, creed, or sex, in regard to public employment, office of power or honour, and in the exercise of any trade or calling.
- (c) "The franchise shall be on the basis of universal adult suffrage."

2. Woman shall have the right to vote, to represent and the right to hold public offices.

3. An identical moral standard of morality shall be insisted on for both man and woman—one that harmonises social welfare with individual freedom.

4. The State shall ensure the health of the race by:

- (a) the granting of medical certificates before marriage to both parties;
- (b) the sterilisation of the unfit under strictest medical advice and care, in circumstances to be laid down by the State; and
- (c) the disposal of the embryo strictly for reasons of the mother's health, or where the pregnancy is the result of rape, assault, etc.

5. The establishment of a nationalised health service which will work through a series of health stations with a network of dispensaries, maternity homes and hospitals all over the country. Provision should be made for specialised care of all diseases in hospitals and for after-care which should be given

free service in these homes at the time of childbirth. tained by local bodies and provincial governments.

6. Maternity homes shall be established in rural as well as in urban areas. There should be at least one maternity bed established for every thousand of the population. Every woman should be entitled to free service in these homes at the time of childbirth.

7. The health programme should include the establishment of a chain of maternal welfare centres which will give all the necessary information to women and include pre-natal and post-natal clinics. These will be in charge of women doctors with special knowledge of maternity and child-welfare.

8. The gradual replacement of the indigenous Dai by fully qualified midwives within the next ten or fifteen years.

9. The health programme should include the establishment by the State of research centres where food values can be worked out so that it may be possible to introduce correctly balanced diets in every home.

10. The establishment of a national service of housing which will ensure to every citizen a house to live in with a minimum cubic space, light, air and sanitation. But while the private ownership of housing exists, the State should lay down the minimum requirements and fix the rent of houses in both rural and urban areas.

11. A scheme of social insurance, contributed to by the State and the individual. This should include benefits in case of temporary disability, sickness, accident, pregnancy and childbirth, assistance for the care and nursing of the new-born, child sickness benefits and old-age pensions.

12. Every human being is entitled to a certain amount of leisure for self-development by:

(a) cessation of all work during the day at a fixed hour so that the midday meal can be conveniently taken and the housewife released from the duties of the kitchen;

(b) the establishment of well-organised co-operative services such as restaurants, laundries, etc., under the management of local bodies;

- (c) provision of whole time creches and nurseries; and
- (d) the State providing suitable parks and open spaces in the city where people can spend their leisure and preserve the health necessary for carrying on their work efficiently.

13. Every person born in India, whether in the provinces or Indian States, should be regarded as an Indian citizen. Women should have the right to choose their own nationality in the event of their marrying a non-national. Persons born of alien parents in India, should have the right on reaching majority to choose their nationality.

14. Every child, whether born in wedlock or out of wedlock, is born with certain rights. He shall have a right to education, to health, to protection from abuse, neglect, economic exploitation and moral hazard.

15. A Children's Charter of Rights shall be drawn up on the basis of the U.S.A. Children's Charter and shall include:

- (a) Orphans generally and more specially girls who are liable to exploitation. They require special protection from the State during the period of transition. We recommend that all orphans should be registered and that both in urban and rural areas they should be under the protection of an officer or "guardian" who will see that no exploitation takes place.
- (b) Children are frequently bound down by parents and guardians to life-long commitments before they have attained the age of majority and the very nature of the commitments is not understood by them. Child marriage, dedication to temples, etc., are instances in point. We recommend legislation to be passed whereby every child who is shouldered with such a burden should, on reaching the age of majority, be given a choice whether he wishes to abide by the commitment or to end it.

## **Chapter II—Economic Rights**

### **Economic Activities**

16. No impediments should be placed in the way of women holding public office or employment which might in effect prevent women from taking their full and equal share in civic duties and obligations. They should, however, be eligible in the same way as men, and on the same conditions for all grades and branches of public service, employment, and in the pursuit of trades and professions.

17. No further attempts should be made to stop married women workers from earning an independent wage and an investigation should be carried on to collect information regarding her difficulties.

18. Whatever policy the N.P.C. adopts in respect of rationalisation, they should safeguard the interests of women and see that rationalisation is not effected, on grounds of sex; and that any provisions made for allaying the unemployment resulting from such rationalisation shall be for all wage earners irrespective of sex.

19. Any steps taken to protect the health of the women workers should not be considered as for their exclusive benefit only, but as taken in the interests of the whole nation. Hence due provision should be made to see that women workers are not victimized or that their position does not deteriorate further by reason of the measures taken for their protection.

20. Sickness insurance of industrial labourers should include benefits in cash in case of maternity as well as child sickness. Due provision should be made in the leave rules of a woman worker to get leave on the ground of the sickness of her child. It should also be provided for in the rules that the above provision is not made a ground for dismissal.

21. No occupation should be prohibited to women unless an alternative scheme of employment is provided by law for those thrown out of work as a result of such prohibition.

22. The jobber system should go and educated women supervisors should be employed to look after the welfare of the women workers.

23. Night shifts shall be so arranged as to enable the employment of women in such shifts.



24. The Labour Sub-Committee should devote special attention to the problem of equal wage for equal work and recommend ways and means of bringing this theory into practical effect, without creating unemployment or barring employment to women. As we have already mentioned in 'Work on the Land' we do not wish that separate wages be given to the women workers of a family, but recommend that they should be made co-sharers in the collective income of the family.

The wage fixing machinery suggested by the Labour Sub-Committee should be authorised to investigate into the question of equal wages and to suggest ways and means of putting this principle into practical effect without creating unemployment or barring employment to women. When the Planning Authority decides to fix a minimum or living wage, consideration must be paid only to the principle that for equal work, equal wages shall be paid, both to men and women workers, irrespective of sex. No consideration should be paid to the status of the worker, whether married or single, whether he or she has to support a family or not. The wage fixing authority must only take into account the actual work turned out and pay wages as determined in that behalf for that work and reckon it with consideration for children.

25. All payments should be made in cash and no part of the wages should be paid in kind; and that instead of truck shops, co-operative stores may be introduced for the convenience of the workers.

26. A Payment of Wages Act shall be enacted by all provincial governments whereby wages shall be paid direct to the worker.

27. Suitable measures shall be enacted obliging employers to make payments punctually.

28. The State shall ensure 'all women wage-earners absolute control over their own earnings.

### **Facilities to the Wage Earner**

29. We endorse the recommendation of the Royal Commission on Labour that "in the event of any different scheme of social insurance being adopted, maternity benefits should be incorporated and the

cost shared by the State, the employer, and the worker."

30. The present tendency of not employing women workers should be checked by effective means after further investigation.

31. Maternity benefits which will be paid to women must be of two types:

(i) Cash.—Determination of the exact amount of cash benefits should be left to a competent State authority. But it should be sufficient for the formation and healthy maintenance of the mother and the child.

(ii) Kind.—Should consist of free medical attention by a doctor or certified midwife, and health visitors before and after confinement.

32. All local bodies such as local boards, municipalities, gram panchayats, etc., should immediately start granting maternity benefits to their employees.

33. The creche and nursing centres scheme should come into effect on the lines suggested in recommendation 12. But during the transition period we recommend:

(a) The financial burden of establishing creches and nursery centres shall be borne by the employers. The N.P.C. shall investigate the best method of effecting this proposal so that women workers are not victimised.

(b) Local bodies should immediately establish creches, nursery centres and nursery schools for the children of their women employees.

(c) Provinces and States which have no such acts as the Maternity Benefit Acts should not adopt such schemes, but should take up a scheme of social insurance on the lines suggested by the Planning Committee.

34. The State should lay down rules permitting new industries to be started in rural and urban areas only when provision has been made for the suitable accommodation of workers and their families. We realise that this would mean extra financial strain on the industry and to meet this we recommend that the State and the employer should co-operate to meet the cost.

35. A 48-hour week for both men and women which would leave time for leisure and recuperation.

36. Nursing women working in factories, mines and plantations should be provided with rest intervals in between the working hours to visit and nurse their babies in creches, etc.

37. Night work should only be prohibited to pregnant women and nursing mothers and for every person below the age of 18.

38. The provincial governments should enforce the provisions of the Indian Factories Act regarding installation of protective machinery and controlling of dust and other impurities in the air in the factories.

39. A system of health certificates should be established showing that the certified person's health permits him or her to be employed in certain unhealthy industries.

40. Long hours of standing in an unhealthy atmosphere has been one of the causes which has affected the health of the wage earner, and more especially of women. Seats should be provided for all workers. Regulations should be made to this effect.

41. Schemes of rationalisation or of prohibition of work to any group of workers should be so planned in future that those workers thrown out of employment would be absorbed in other work. What is meant to safeguard the wage earner should not act to her detriment.

### **Child Labour**

42. Child Labour and the employment of children for wages under the age of 15 should be prohibited. During the transition stage, before compulsory education comes into force the raising of the age to 15 should be gradual so that it does not result in unemployment amongst those children already working. We are also of opinion that whole time work, work between 6 p.m. and 7 a.m. should be prohibited to boys and girls under 18.

### **Work in Organised Industries**

43. The planning authorities should consider the establishment of a Central Labour Exchange with a network of recruiting centres spread over all densely populated rural areas considered suitable for recruitment. The local gram panchayats or rural officers

should be asked to co-operate in the task of recruitment. The Labour Exchange should have on its board both men and women members and also representatives from trade unions and employers' associations. Its task should be to control and organise the immigration of labour and co-ordinate it in such a manner with the demand of various industrial centres that useless overcrowding and unemployment is avoided as far as possible. The exchange of labour in industries should also be encouraged.

The villager should be encouraged to bring his family with him and efforts should be directed to finding work for the members of his family in the same locality if not in the same industry in which he is working.

44. We endorse and urge the immediate adoption of the recommendations of the Royal Commission on Labour: "That where women are engaged in substantial numbers, there should invariably be employed at least one educated woman in charge of their welfare and supervision throughout the factory. She should be responsible to the labour officer, where there is one, and to the manager where there is not, for the management and dismissal of all the female staff, whether permanent or temporary. If Naikins are employed they should be under her immediate control. It is important that she should be remunerated on a salary and not on a commission basis, and on a scale likely to attract the right type of woman for work of such responsibility."

"The successful inauguration, as well as the adequate enforcement of laws and welfare orders specially bearing upon the welfare of women and children such as those relating to maternity benefits, creches, etc., call for the services of trained women inspectors and we are confident that in India as in Great Britain their appointment has only to be made to prove its justification."

"We recommend that such women should be of Indian domicile and not younger than 25 years of age, and their remuneration should be on a scale calculated to attract and to hold the type of women required for work which will necessitate initiative, resource and self-reliance, and in the first decade at least, no small measure of pioneering enterprise."

"The appointment of one such woman in every province is desirable; but if this be not practicable, we recommend the appointment of part time women officials in those provinces where the number of women and children employed in regulated industries is smaller."

45. All women, except pregnant women and nursing mothers, should be permitted to work in all forms of organised and heavy industries.

#### **Work in Cottage Industries**

46. In Industrial areas an effort should be made by the planning authorities to co-ordinate the main industry with the cottage industry in such a way that extra population which settles down with the worker in that area also gets employment.

#### **Work on the Land**

47. The economic value of woman's work on land must be recognised and in lieu of cash payments, she should have the right to claim all facilities given by the State to other workers, viz., (a) medical help; (b) creches; (c) better conditions of work in the home as well as on the field; and (d) training for the work she is required to do.

#### **Work in the Home**

48. Women should have an absolute control over some part of the family income.

49. Women should have a share in the husband's property which he cannot will away.

50. The husband should give his wife's shares of the contribution to any social insurance scheme that may be introduced by the State.

51. Labour saving devices shall be introduced in the home which will relieve woman of the drudgery of her work.

52. Creches should be established by the State where she can leave her child or children whenever she wishes to be free.

#### **Domestic Service**

53. Some regulations for domestic workers concerning hours of work, holidays, wages, health, etc.,

are very necessary. We recommend that the following suggestions be adopted:

- (a) Compulsory registration of all domestic workers.
- (b) Establishment of training centres.
- (c) Formation of domestic workers' union, registered and recognised by the State.
- (d) Half day holiday in every week and 15 days annual holiday with pay.
- (e) Provision for adequate housing facilities.
- (f) Fixing of minimum monthly wage.
- (g) A scheme of social insurance should be introduced.
- (h) Establishment of recreation and education clubs.
- (i) No girl under 15 should be employed as a worker.
- (j) Girls and boys under 18 should not be given full time work.
- (k) Fifteen days' notice on either side before terminating service should be made compulsory.
- (l) Employment bureaux should be opened in every town.

### **Serfdom**

54. Vigorous propaganda and educational activities should be carried on amongst the serfs and a consciousness of their civic rights and of their self-respect should be created.

55. All loans of more than a prescribed amount or period should be wiped out and facilities to provide credit through banks should be made available.

56. A scheme should be provided to safeguard the interests of the aboriginal tribes to carry on educational activities amongst them.

### **Trade Unions**

57. Trade Unionism amongst women of all categories must be encouraged. By facilitating collective bargaining, it will give them strength and help to protect their civic and economic rights. Trade Unions should consist of both men and women workers and the rights of women should be safeguarded equally with those of men. We are entirely opposed to separate trade unions for women.

58. Trade Unions should accept the principle of equality between man and woman and recognise the individual as a unit. They should realise that even though the number of women workers in their unions may be comparatively small, or they may not have been successful in enrolling any woman members at all, yet they represent the interests of workers irrespective of sex. The Trade Unions exist to safeguard the rights of these workers. It is up to them to see that their attitude does not by doing justice to one group create new problems amongst the less organised group of workers, i.e., the women.

59. Special propaganda must be carried on and training facilities should be given to women who wish to take up the career of organisers in trade unions.

60. Trade Unions must be democratic in organisation to be welcome to all workers. Every individual member of the union should have an equal chance to rise to a position of control and authority.

61. An increasing effort shall be made to see that the governance of these unions become more and more the charge of the workers themselves.

62. All Trade Unions and employers shall keep a separate record of all women and children members. This will not only serve as valuable information as far as the number of existing membership is concerned, but will also be useful to register the progress in membership.

### **Insurance**

63. As worker in any recognised walk of life, the Planned Society shall see that all the contingencies of working life to which a woman is exposed in the course of her work be provided against by some form of contributory insurance.

### **Chapter III—Property Rights**

64. A common civil code shall be evolved in India, just as we have a common criminal code. This new code will have three branches at least, viz. (i) Inheritance and Succession law on the basis of the Indian Succession Act; (ii) Divorce law; and (iii) Marriage law.

65. The N.P.C. should appoint a Committee of experts, both men and women to work out the details of the new code which should be enacted on an optional basis to begin with but should be made universally applicable within a reasonable period of its passing into Act.

66. Every Hindu, man or woman, will be deemed to be absolute owner of his or her property, whatever be the nature thereof, including any property he or she may inherit or any property that may devolve upon him or her by, i.e., being a member of a joint family or by survivorship and he or she will be entitled to dispose of the same by will.

In the event of his or her dying intestate, his or her heirs will be:

- (i) Wife or husband as the case may be;
- (ii) Sons and daughters and their children, the children of a predeceased son or daughter taking the share of such predeceased son or daughter.

The share of the wife or husband will be one-third and the remaining two-thirds shall be divided equally among the children.

67. Daughter will be entitled to the same rights of maintenance, education, marriage, succession or inheritance and acquiring property as if she is a son.

68. All properties belonging to husband and wife respectively at the date of the marriage shall thereafter remain their separate property.

69. The income or acquisition from any sources whatever made or acquired during coverture will be owned by the husband and wife jointly.

70. On the death of either husband or wife, his or her separate property and half of the property jointly acquired with the help of the income during coverture should devolve on the surviving husband or wife and their children:

- (i) the surviving wife or husband shall take one-third of such property;
- (ii) the remaining two-thirds shall be divided among her or his children in equal shares; the children of a predeceased son or daughter receiving the share of a predeceased son or daughter.



71. On the marriage tie being severed by divorce the separate property of both the husband and the wife will remain their own.

72. No husband or wife shall have the power to demise or bequeath more than a stated proportion of his or her property; the remaining property must go to his or her heirs as provided by the laws of intestacy.

73. Husband and wife shall be at liberty to will away the rest of their respective properties and half of the property jointly acquired.

74. Any property owned by a woman, whatever be the nature thereof, will be considered her absolute property.

75. Vigorous propaganda should be carried on to educate the Muslim women about their rights to which they are entitled under the existing law.

76. One glaring defect in the Parsi Law of Intestate Succession is that a daughter inherits half of what the son gets. This should be remedied.

#### **Chapter IV—Education**

77. It is necessary that the child should have healthy knowledge of sex but before any policy in this respect is adopted, investigation into the proper method of approach and teaching the subject is necessary.

78. The State should make it obligatory on local bodies to provide milk or any nutritive substitute for all children in primary schools.

79. We feel that more training facilities are necessary to train a large number of women teachers every year so that it will be possible to have all the lower standards of primary schools under women teachers.

80. The State shall adopt a well-defined educational policy which, while co-ordinating the various stages of education provides a certain measure of education and training to every individual born in the country.

81. There shall be no discrimination based on sex in the educational curriculum, but special training for particular occupations and needs and special aptitudes of individuals shall be provided for. All restrictions which prove a handicap to the free and

full development of woman's personality shall be abolished.

82. Primary education shall be compulsory for all boys and girls between the ages of 7 and 14 and will emphasize education through a creative, productive activity. In selecting the activity the State shall take into account the local needs and the environments of the child.

83. There shall be a pre-basic stage of education recognised by the State. Creches and nursery schools shall form a part of this stage. Pre-basic education shall be optional during the transition period.

84. Continuation classes shall be provided on a part time compulsion basis for all boys and girls between the ages of 14 and 18. These classes shall be linked up with the scheme of apprenticeship adopted by the Education Sub-Committee.

85. Secondary education shall not be merely of the academic type but shall provide vocational training for various needs.

86. University education shall be more comprehensive and more purposeful in the sense that it shall make available activities for training in a variety of subjects.

87. The medium of instruction shall be the language of the province. In no case shall the medium of instruction be a foreign language.

88. In the interests of social equality, mutual understanding and better co-operation between the sexes, we recommend that the ideal of the system of co-education in all stages must be kept in view. A national system of education should be based on common institutions and a common course of study for boys and girls. During the transition period, for the adolescent stage, common high schools for both sexes should be encouraged, but provision should also be made for separate high schools for girls where such are required and there is a sufficient demand for them.

89. Wherever public opinion is felt to be in favour of co-education all educational institutions financed by the State and local bodies shall be non-communal and co-educational in organisation.

90. The staff in all co-educational institutions shall be mixed and in other institutions mixed staff should be encouraged.

91. Physical training shall be made compulsory in all schools. Exercises and games shall be arranged to suit the physical condition of girls and to create in them a spirit of self-reliance. Folk dancing and indigenous games shall be encouraged. Facilities shall be given to every child to learn swimming.

92. Military training for self-defence shall be made compulsory for both girls and boys and in all schools and colleges.

93. Adult education shall form a part of the national system of education. The State shall provide training centres for women social workers who, due to economic circumstances and lack of higher academic education, cannot avail themselves of the existing facilities.

94. A State Publications Bureau shall be established to provide the necessary literature for adult education, State propaganda, etc.

### **Chapter V—Marriage & Its Problems**

95. Under the Civil Code marriage shall be a monogamous contract freely entered into by the parties concerned and shall be dissoluble, subject to certain conditions as provided for by the laws of the State.

96. If a Muslim woman wishes to forego her Meher she should make a declaration to that effect before a Magistrate or such declaration should be registered.

97. Marriage shall be a monogamous contract freely entered into by the parties concerned which shall be dissoluble, subject to certain conditions as provided by the laws of the State.

98. The marriage age shall be progressively raised to the age of majority, i.e., 18.

99. The Child Marriage Restraint Act shall be made more effective by making marriages in which either party is of less than twelve years of age, null and void, and by making marriage in contravention of the Act a cognisable offence.

100. All marriages shall be notified and registered. The Registrar before notifying has got to satisfy himself on the following:

(a) Consent of both parties.

(b) Whether it is in contravention of the Child Marriage Restraint Act.

101. The provisions of the Special Marriage Act of 1923 shall be extended to other communities besides the Hindu, Buddhist, Jain and Sikh, so that persons belonging to these communities can also intermarry without renouncing their religion.

### **Divorce**

102. The Hindu marriage should be dissoluble under certain conditions laid down by the laws of the State. Such dissolution must be obtained by either party to the marriage and must be certified by a public authority.

103. Whether divorce be granted on the express desire of either party or on certain specific conditions, it must provide for the economic needs of the woman and safeguard the interests of the children if any. This provision must be made by law.

104. Unless good reasons to the contrary are shown the mother should have the control of the child.

105. Arbitrary exercise of a Muslim husband's discretion to divorce should be abolished.

106. The provision of Restitution of Conjugal Rights in Hindu and Muslim Laws should be abolished.

### **Chapter VI—Family Life**

107. Individual families will and should continue but so far as the State is concerned, the individual must be the basic unit to which consideration should be specially given.

108. Both the parents should be the joint guardians of their children. If the marriage tie is broken by death of either party, the surviving partner should necessarily be the guardian of the children and it should not be in the power of either party to deprive the surviving party of this right, as is possible under Muslim and Hindu laws, except for reasons of unfitness which must be decided by the Court. If the tie of marriage is severed by divorce the custody of the children should essentially be given to the mother, except when the mother is of an undesirable character

and unfit, therefore, for the custody of the child. If the child is capable of expressing a preference his wishes should be consulted for the maintenance of the child.

109. The father must, till full and equal property rights are afforded to the woman, be responsible for the maintenance of the child.

110. The right to adopt a child is an individual right and cannot be interfered with but we are of the opinion that adoption of a son for purposes of inheritance is undesirable.

111. Birth control clinics controlled by the State and staffed with medical men and women should be established where instruction should be imparted to those persons who wish for it.

### **Chapter VII—Miscellaneous**

112. In so far as the caste system tends to retain inequality or to obstruct woman's advance, it must be progressively put an end to.

113. We are strongly opposed to widowhood being considered as the perpetual condition and every effort should be made by education, social reform and even legal reform, to put an end to the evils that result from such condition. We desire that the widow, instead of being the nation's liability be turned into a useful member of society and that every opportunity should be given to direct her intellect, energy and devotion into creative channels. Widows should have the same social and economic rights as any other citizen and no social or legal disabilities should attach to them. The Committee is of opinion that widows should be entitled to remarry and we have already suggested the means of popularising the idea. However, we would like to make it clear that widows' problem cannot be solved by remarriage only. Training for economic independence and self-reliance are essential for the re-establishment of her position as an individual in Society. Another way of doing this is to accept the principle that marriage shall not be a condition precedent to full and equal civic status. Social rights and economic privileges on these lines will really remove all obstacles. We visualize a state where there will be no special problem of widows.

114. As a preliminary step for the application of all remedial measures we think that the compulsory registration of all widows should be necessary.

115. An officer should be appointed for every 50,000 of the population who will act as a consultant on women's rights and difficulties, help in matters of social legislation, help the Court of wards to look after the estates of minor or illiterate widows, act as supervisor of women's institutions, correlate training and opportunities for employment of the widow, assess the needs of the widow and the degree to which the State should be called upon to render financial aid.

116. The officer recommended by us must of necessity be a woman but if no competent woman is available in a particular district, a start may be made with a suitable man.

117. Widows' homes should not marriage bureaux in disguise, but should be centres for training for some occupation so that it might eventually lead to the economic independence of the widow.

118. Society has no right to ostracize the unmarried mother alone and allow the man to escape since both man and woman are responsible for the child.

119. The responsibility of bringing up the child and maintaining it should devolve upon both. In case however, where man is not married, but marriage between the two is not possible because either party refuses to marry, or either party is not fit to be married, Court should hold both or either party responsible for the maintenance of the child.

120. Man should be liable to punishment as much as the girl if he refuses to recognise their child or to maintain it and as a result the girl deserts it or resorts to infanticide.

121. An innocent child should not be made to suffer whatever its origin may be. It should receive all protection at the hands of the State. Even if the child is born out of wedlock the mother should be entitled to all medical help at the time of child birth from the State as any other woman. The child should be allowed to use its father's name and should be entitled to a share in the father's property. The State in short should make no distinction between a child born in

wedlock or a child born out of it, and the child should be entitled to all the rights and privileges of a citizen.

122. The only way to solve the problem of prostitution is to change the position of woman in society and make her equally responsible for the well-being of the social order.

123. Legal steps should be taken prohibiting and punishing any person who drives a woman member or minor child from the house without making any previous provision for her maintenance and shelter.

124. All rescue institutions should be supervised by a woman welfare officer and all social workers should be registered.

125. Supervision and control of urban and rural boarding houses, dharmashalas, etc., should be undertaken and separate residential arrangements should be made in Dharmashalas for women travellers. At the places of pilgrimage a network of women social workers should be organised.

126. Railway stations often become recruiting grounds for prostitutes. Procurers are on the lookout for ignorant, stray women passengers who are misled. At all railway stations and centres of transport, trained women guides should be provided to help women passengers.

127. Prophylacteria centres should be organised where these women may resort to for treatment. The centres may also give training in some occupation to such women who would like to give up prostitution and earn an honest living. Efforts should also be directed to provide alternative employment to women in the special recruitment areas.

128. Legalised abortion should only be permitted on two grounds: (a) when pregnancy is medically considered to be dangerous to the health of the mother; (b) when the pregnancy is the result of rape.

129. The N.P.C. in making its provisions for administrative machinery should include a ministry of social affairs to co-ordinate and investigate into all problems connected with social welfare.

130. The N.P.C. should carry on the necessary propaganda directly or through the existing women's organisations to educate the public and specially women, to the aims and objects underlining the plan in order to prepare them for the new order.

## CHAPTER X

### RESOLUTIONS OF THE NATIONAL PLANNING COMMITTEE ON THE REPORT OF THE SUB-COMMITTEE ON WOMAN'S ROLE IN PLANNED ECONOMY

The Final Report of the Sub-Committee on Woman's Role in Planned Economy was presented on the 31st August by Srimati Mridula Sarabhai, Secretary of the Sub-Committee, in the unavoidable absence of the Chairwoman, Rani Lakshmibai Rajwade. Several members of the Sub-Committee were present during the discussion, which continued on the 1st, 2nd and 4th September.

The following resolutions were adopted:

1. On the basis of the Karachi Congress, 1931, declaration of Fundamental Rights of Citizenship in India, it is resolved:—

- (a) In a planned society, woman's place shall be equal to that of man. Equal status, equal opportunities, and equal responsibilities shall be the guiding principles to regulate the status of woman whatever the basis of society in the Plan;
- (b) Woman shall not be excluded from any sphere of work merely on the ground of her sex;
- (c) Marriage shall not be a condition precedent to the enjoyment of full and equal civic status and social and economic rights by woman;
- (d) The State shall consider the individual as the basic social unit and plan accordingly.

2. Woman shall have the right to vote, to represent, and to hold public office, on the same terms as man. There shall be joint electorates, based on adult franchise, for both men and women, for election to political bodies, including self-governing institutions.

3. An organised health service, with special maternity arrangements for women, shall form an integral part of planned economy. Indigenous Dais shall be gradually replaced by trained midwives as soon as possible.



The health programme of the State shall aim at the eradication of serious diseases, more especially such as are communicable or transmissible by marriage. The State should follow a eugenic programme to make the race physically and mentally healthy. This would discourage marriages of unfit persons, and provide for the sterilization of persons suffering from transmissible diseases of a serious nature, such as insanity or epilepsy.

5. A Planned scheme of national economy should provide for a scheme of social insurance, made available in cash and kind, for all citizens. This should include benefits in the case of disability, sickness, accident, pregnancy and childbirth in the case of women, and assistance for the care and nursing of the new-born child. This scheme should be given effect to progressively.

6. During the transition period due provision should be made in the leave rules applying to women workers to get leave on the ground of the sickness of the child. The burden of this may be borne by the community.

7. Creches and nursery centres should be provided for as laid down in resolutions 12 and 14 passed on the Labour Sub-Committee's Report. Meanwhile the present system of requiring the employer to provide for maternity benefits and creches should be continued and extended to include plantations and mines. In view of the fact that this provision had led to the exclusion of women workers from such employment, the cost should in future be assessed on the total number of employees, irrespective of sex. All benefits shall be disbursed by the State or local authorities.

This rule should also apply to local self-governing institutions as well as other large employers.

8. Those Provinces and States which have no Maternity Benefit Acts should adopt a scheme of social insurance in preference to a Maternity Benefit Act. In the event of a Maternity Benefit Act being introduced, this should be on the lines indicated in resolution 7 above.

9. All women should be assured adequate leisure, irrespective of work in or outside the home. This leisure will follow from:

- (a) The organisation of Pre-Basic education institutions, such as nursery schools, kindergarten centres as well as creches, and
- (b) The improvement of social amenities and co-operative and community undertakings.

It is also necessary that there should be some kind of regularity in home life. There should be a cessation of all work during the day at a fixed hour, so that the midday meal can be conveniently taken and the housewife released from the duties of the kitchen.

10. An identical standard of morality, which harmonises social welfare with individual freedom, should be accepted for both man and woman, and should guide legislation and social convention.

11. Persons born in any part of India of parents who are Indian Nationals shall, in regard to nationality, be considered Indian citizens. Persons born of alien parent or alien parents shall have the right to choose their nationality within six months of their reaching the age of majority. Married women shall have the same right in the event of their marrying non-nationals of India.

12. Every child born in the community has a claim on it in regard to education, occupation, earning and property, as well as civic and social rights. There should be no restrictions made either by law or custom between children born in or out of wedlock. Children of alien parents shall also be entitled to education, health and freedom from abuse.

(Note.—Mr. A. D. Shroff does not agree that there should be no difference made either by law or custom between children born in or out of wedlock.

Mr. Shuaib Qureshi desired to record his dissent as follows:

“Such claim should be confined to:

- (i) the parents of the child;
- (ii) in case of a child born out of lawful wedlock, to maintenance, parental care, and education, but would not affect the law of inheritance.”)

13. A Charter of Children's Rights shall be framed on the lines of the U.S.A. (legislation) and its provisions shall include:

- (a) Reservations against any commitments made by guardian or parent on behalf of a minor child in respect of marriage, dedication to religion, slavery, or beggary. These commitments shall be deemed to be voidable in law at the option of the individual concerned on reaching the age of majority. In the event of any such commitment being given effect to, the special officer appointed for this pur-

pose should be entitled and empowered to act on behalf of the child to avoid the commitment.

- (b) The employment of children for wages under the age of 15 should be prohibited. During the transitional period, the minimum age for such employment should be progressively raised to 15, particularly in industries and in occupations where hours and conditions of work are harmful to the children. Exceptions may be made for agricultural work. Night work between 6 p.m. and 6 a.m. shall be prohibited to boys and girls under 18.

When the national system of education, including Basic Education compulsorily up to 14, comes fully into operation, the minimum age for such employment will be automatically raised; and correlation shall be provided between work and training, even after the age of 14.

A special organisation should be established to look after and protect the rights of children, particularly orphan children.

14. The principle of equal wage for equal work shall be granted practical recognition in such a manner that it does not create unemployment or bar employment to women.

15. Women shall not, as a matter of policy, be excluded from any industry or occupation. In the event of any legislation or development causing the exclusion of women from any occupation, and thus leading to their unemployment, steps should be taken by the State to provide for their being absorbed in other occupations.

16. For purposes of recruitment and co-ordination of labour supply in different occupations, a system of labour exchanges should be established.

17. Trade Unions should consist of both men and women workers. There should be no separate trade union for women. Statistics of trade union membership should include information about women and young persons on their registers.

18. Woman's work in the home, as well as her work on the family land, though not easy to recognise in terms of money value, is an essential contribution to the social wealth of the State (community); and shall be fully recognised as such. The aggregate of social wealth under Planned Economy will include all kinds of work, whether recognised in money value or not.

19. A uniform Civil Code shall be enacted applicable to all citizens of India. This should be based on the fundamental principle of equality as between man and man and man and woman. During the transition period, it should apply to those who choose to accept it. Those who are unable to subscribe to this Code, may continue to be governed by their personal law. Where, however, anything in this personal law affects the woman's position adversely, immediate attempts should be made to remedy this.

(Note.—Considerable discussion took place on this resolution. Mr. Shuaib Qureshi expressed his disagreement with it. Mr. G. M. Sayed was of opinion that the Civil Code should be made compulsorily applicable to all, and that there should be no option about it. Some other members were in sympathy with this view, but they felt that, under the existing circumstances, it was preferable to make the application of the Code optional. The representatives of the Sub-Committee stated that their members, including Begum Hamid Ali and Begum Shah Nawaz, were in favour of an optional Civil Code. Mrs. Zarina Currimbhoy and Mrs. Ismail also expressed their agreement with this view.)

20. Reformers in many communities have brought about changes in the Personal Law from within these communities. These efforts are to be welcomed, and wherever they are in line with the general policy of the State, they should be encouraged by the State.

21. An All-India Civil Marriage Act shall be enacted enabling any two persons above the age of majority, to whatever religion they may belong, to be married without any declaration in regard to religion.

22. Pending the completion of the Plan, it is clear that the existing law will continue to function in regard to marriage, side by side with the civil marriage provided for above. Immediate steps must, however, be taken for the following purposes:

- (i) In regard to the age of marriage, the legal limits should be progressively raised to the Age of Majority;
- (ii) Consent of the marrying parties shall be made essential.
- (iii) Marriage shall be made monogamous, and the right to divorce introduced.

- (iv) All intended marriages shall be notified, and marriages shall be recorded by a public authority. The State should afford facilities for this, so that this intimation and record may be made easily through the village panchayat or other self-governing body.

(Note.—There was considerable discussion on clause (iii) above relating to monogamy. Mr. Shuaib Qureshi was in favour of encouraging monogamy in every way and of the State discouraging polygamy, but he was opposed to a legal bar against polygamy. He agreed that on a second marriage by the husband, the first wife should have a right of divorce.

Mr. G. M. Sayed was in favour of immediate and compulsory monogamy.

Mr. Joshi was of opinion that if the age limit of marriage was raised to majority, and divorce was made easy and at the will of either party, this provision about monogamy was not necessary. Dr. Dubey and Mr. Shroff agreed with Mr. Joshi. The clause was, however, approved by the majority of the members.)

23. Divorce shall be available at the option of either party, subject to such conditions as may be laid down by the law in that behalf. These conditions may relate to sufficient notice, period for the divorce to be effective, and maintenance and custody of children. These conditions should be equal as between man and woman.

(Note.—In this connection the question of mehr\* in Muslim Law must be considered, without prejudice to the principle laid down above.)

(Note.—Messrs. Shuaib Qureshi, Syed Mahmud and Nazir Ahmad add the following note to this resolution on divorce: This shall not affect the Muslim personal law, according to which the two parties to a marriage contract could, as the law stands even now, have, as part of the contract, equal right of divorce. As to the right of maintenance of children, that too is fully safeguarded under the Islamic Law.)

24. Divorce when effective shall be evidenced by an appropriate certificate from some public authority.

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\*The word *mehr* is, it seems, variously spelt.

25. Disabilities attached to the condition of widowhood should be ended.

26. The State should follow a policy to assure to women the same rights as man to hold, acquire, inherit, and dispose of property of all kinds, and to shoulder corresponding obligations, without any differentiation at any stage or in any manner on grounds of sex alone, and changes in the existing laws, when necessary, should be progressively made. This is especially necessary in regard to the Hindu Law.

**Note.**—Messrs. Shuaib Qureshi, Syed Mahmud, Nazir Ahmad and G. M. Sayed wish to add that this should be without prejudice to Muslim personal law.

27. The right to insist upon restitution of conjugal rights in Hindu and Muslim law should be abolished.

28. Co-education shall be the basis or ideal of the national system of education, which should be founded on common courses of study for boys and girls. During the transitional period, common high schools for the adolescent should be encouraged for both sexes. Provision may, however, be made for separate high schools for girls, where local sentiment demands them, and this is considered feasible.

The staff in all co-educational institutions should be mixed, and in other institutions such mixed staff should be encouraged.

(**Note.**—Prof. M. N. Saha and Mr. Shuaib Qureshi were against co-education between the ages of 12 and 18.)

29. The State shall provide training centres for women social workers who, due to economic circumstances and lack of high academic education, cannot avail themselves of the existing facilities.

30. Legalised abortion should be permitted only in recognised institutions under properly qualified persons;

(a) when pregnancy is a result of rape;

(b) when pregnancy is considered dangerous to the health of the mother.

31. The administrative machinery of the State shall include a Ministry of Social Affairs to co-ordinate all problems connected with social welfare, and to arrange for investigation and research into problems of this nature.

## APPENDIX I

### Note of Dissent by Miss K. Khandvala

1. I am writing this note because I find that the approach of the Authors of the Report to the main problem entrusted to the Sub-Committee is fundamentally different from my approach to the same problem. I conceive the problem as referred by the Planning Committee to this body to consist mainly in envisaging the part woman should be enabled to play in the planned society of the future. In planning the entire life of the community, the Planning Authority would have to correlate and mutually harmonise the claims of social organisation and collective action with the demands of personal liberty and right to self-expression of individuals. This is the crux of the problem which affects woman more, thanks to the accumulated weight and past tradition and convention under which we have been living, than man. In this note, therefore, I am addressing myself to consider the various social institutions and incidents in woman's life, so as to bring about this co-ordination, and thereby enable woman to play her most effective role in the planned society of the future.

2. I would not have troubled to write this note, even on the ground mentioned above, had it not been for my conviction, after having carefully gone through the report that the Sub-Committee, that the Authors of the Report have departed materially from the general basis agreed upon in the Sub-Committee meetings when that body decided the fundamental issues or principles which were to guide us in preparing our Report. The points mentioned below are specific illustrations of the manner in which such departure has occurred. In general I may add that the Report offends, perhaps, not so much in the actual substance, as in presenting that substance in a round-about manner which is, I fear, liable to serious misconstruction. I can appreciate the desire to adopt a conciliatory attitude and compromising tone in all cases where effect has to be given to proposals or ideals as applied to large masses in democratic communities, where, however unpalatable the fact may be, the majority will have to decide; and the majority is seldom enlightened enough to appreciate, against the force of prejudices and conventions in which such ma-  
jo-

rity has been brought up, the value of the ideals placed before them. A body, however, like our Sub-Committee should, I hold, not permit itself to be influenced by considerations of this kind so far as almost to abandon the ideals originally accepted. And that is why I am writing this note to clarify certain issues and over what I conceive to be the correct attitude for the woman of the future in planned society.

3. It must be evident from this that my approach is radically different from that apparently accepted by the Sub-Committee. The Sub-Committee accepts that woman's position must essentially be on a footing of absolute equality with that of man, in all questions of civic rights, social obligations and economic possibilities. But the object of this equality is, as I conceive it, to assure the fullest possible scope to woman for self-expression, for the development of her personality as an individual, and for the largest possible measure of contribution from her to social progress. For such a purpose the mere postulation of political or civic and economic equality would not suffice. In planned society such equality will have to be made real and substantial. That is to say, the social mechanism, institutions and regulations must all be so devised as to make this equality a real, living force in actual life, and not merely a copy book maxim, more honoured in breach than in observance.

4. I emphasize this difference of mine from the standpoint of the Sub-Committee all the more, because not only do I expect that woman in planned society will have a very substantial contribution to make which she cannot make while the present shackles confine and restrict her, but also because I believe that the real impediments to the Indian people's progress on freely civilized and social lines will only be achieved when that part of the society, which has suffered for ages from conventional restrictions, becomes alive to the injurious effects of such restrictions, and helps to co-operate in their removal not only so far as she herself may be considered, but also as regards the rest of the organised society.

5. I will now take the specific incidents and institutions which, while treated of in the Report, do not, in my opinion, express correctly the view of educated and progressive Indian womanhood as regards the role of woman in planned society. Taking first the woman's position as an individual, the Report has, as already remarked, postulated equality as between man and woman. This equality



effects and will condition social status, economic obligations and civic privileges. At the present time all the privileges, obligations or restrictions woman has to suffer from are in virtue of her relationship, and not because in recognition of her individuality as such. She may have a place in society as wife or daughter or mother, but not as an individual by herself only. This has been conceded in the Report, but its obvious corollary is not so clearly brought out, namely that in planned society woman's individuality must be recognised as such without reference to the relationship she may have contracted of her own will, or which may be forced upon her for any reason. Reading through the Sub-Committee's Report on all points in which woman has to have contacts with society, or to incur any responsibilities vis-a-vis society, I feel that the Sub-Committee has not made it clear that in the future planned society what would count, and count alone, will be the individual personality of each woman or of each man as such, and no relationship that she or he may have to bear with their fellows.

6. Emphasizing as I do the necessity in planned society for the fullest possible recognition of woman's individuality as such, I would like that all the various rights the Sub-Committee has laid down in the list of fundamental rights of citizenship as affecting woman shall be completely divorced from any taint of relationship of any kind. For example take the right to work. Planned society will have to guarantee the right to work to able-bodied adult citizen, irrespective of sex, creed, or birth. The work, however, may, be in any capacity which is suitable to different person's training and inclination. Given the very large population for which the planning authority for a country like India will have to deal, it is not at all unlikely that this requirement of apportioning work according to training and inclination of each individual would be amply fulfilled. It may also be that in the dispensation that results hereafter under planning at least in the first few years, the bulk of woman's work may be within the precincts of the traditional home, and be concerned with the care of the family. As will appear below, I consider the institution of family and particularly the joint, undivided Hindu family to be the most difficult impediment in the way of woman's emancipation; and, therefore, I would emphasize with the utmost earnestness I can that the first task of the Planning Authority will be to undermine the system of family and all that it stands for, in the shape

of exploitation of woman or children. Holding this view, I consider that the recommendation of woman's work in the home, even if woman in planned society elects to do so, will have to be far more specific than the words of the Sub-Committee in that regard suggests. Whether money economy is destroyed and some other calculus substituted in its place, I think it of the utmost importance that the work be recognised as work, no matter where and how it is done, and not merely in respect of the environment or relationship under which it is done.

7. Lest I may be misunderstood in this connection, I would add that by family I mean that institution which has been developed and which functions today as an association bound together by ties of blood over which the individual concerned has no control. Family in the sense of a voluntary association of two or more adult individuals who live together for any purpose they choose will be a matter of the mutual consent of competent individuals joining together for specific objects with which the social concern will only be that such association fits in with the basic system of the planned society. No such association can either override, or, what is worse, even by implication, seek to frustrate the very basis of planned society, which, in the family as it is organised and functions today, we have every reason to fear may happen.

8. The right to work must be amply cleared for woman and made real. The Planning Authority will, therefore, have to consider the aggregate amount of work to be done for the community collectively; and the manner in which and the kind of personnel amongst which it will have to be distributed. What will be counted, therefore, would not be men or women, but only individuals, their training, and aptitudes, which will also be scientifically determined and certified. Work will, therefore, be apportioned according to training and abilities, certified for, the purpose and not merely because of any relationship that is due to an "Act of God", and not to any personal consent of the party affected.

9. Along with the right to work I postulate all the incidents and privileges associated with such work. That is to say the National Code of Labour will have to apply in an equal measure to man as well as woman, and all the safeguards, protection, and regulations which are devised to promote the efficiency and maintain the health and safety of workers will be applied equally to woman as well as to man. This would include the right to a full measure

of social insurance, of sickness, maternity, accident, and invalidity, old age or other permanent disability. It would include a certain proportion of the right to leisure, meaning thereby periodical holidays, or vacations, amusement and recreation, which must all be integral parts of planned economy, and must be provided as indispensable for the continued efficiency of workers in planned society. Needless to add, it will also include in an equal measure the right to cultural facilities and advantages that planned society provides, whether in the form of the usual continuation classes, or any other mode that the appropriate body under the Planning Authority may devise for the purpose. It is unnecessary to mention that we are culturally very backward at the present moment. Even in the very limited scope of education or mere literacy now-a-days prevailing in this country, whereas there may be one such literate man out of every five, there is only one literate woman out of 50. This in itself is sufficient to indicate the very poor level of cultural awakening amongst women; and the heavy leeway that will have to be made up to increase that awakening. As, however, the system of work and remuneration for each, including all the incidents, privileges or obligations connected with work under the Plan, will be one of the prime functions of the Planning Authority, I would not dwell at greater length on this aspect of the problem before us.

10. I would, however, refer more particularly to one aspect of the problem which relates to the organisation of women workers in trade unions or other organisations particularly concerned with women. The Trade Union, as it functions in class society, is a machinery for strengthening workers in their class struggle and emphasizing their consciousness as a class apart. This, I trust, will not necessarily be so in planned society where by the mere fact of planning, the division into divergent classes will be dispensed with. But even so, trade unionism as a machinery for administering the Labour Code may become indispensable; and accordingly it would be of the utmost necessity to require that no one, woman included, would be allowed to work unless he or she is a member of a trade union. Membership, in other words, of trade unions must be made compulsory under the Labour Code, not only to reinforce its consciousness of obligations in planned society, but also because as a mere administrative machinery such organisation is indispensable. The Sub-Committee have contented themselves only by noticing the fact that women workers at the

present time are not readily amenable to unionisation, and they would be satisfied if efforts are made to encourage the spread of unionisation amongst workers. My point is fundamentally different in that I insist upon unionisation becoming compulsory and, therefore, universal; in the present society because it is necessary as a weapon for strengthening the working class; and in planned society as a machinery for administration.

11. If the right to work is guaranteed in the manner mentioned above, the disabilities now resting upon woman in her civic or social position would be comparatively negligible. The civic equality has been mentioned by the Sub-Committee, but I am afraid the Sub-Committee have not realised fully the implications of their own statement. The right to vote, for example, is based upon adult franchise. This is quite good as far as it goes. But I would like to point out that in the institutions and organisations which the planned society would have to provide for, such for example, as the trade union councils, the works councils, etc.—the present day conception of democratic governments, implying a civic right to vote for political bodies like the legislature or local self-governing institutions will have to be viewed in a totally different light. The right, privilege, or obligation would, in these cases, be conditioned not merely by the accident of age, but rather by the function one discharges. I consider it more than likely that in the planned society functional representation may be much more common and acceptable than the irrational, geographical right to vote as laid down in the Sub-Committee's Report. The difference here, again, is a difference rather of the ultimate vision and the ultimate society as it would result after planning than of the detail of adult or manhood, or any other condition of property and other qualifications. The principle would quite suffice if it was laid down that the right to vote must be on an equal footing as between man and woman, no matter what that footing is, and how it is conditioned.

12. From this it would also follow that the right to represent and the right to hold any public or private office, post or employment would be a mere corollary of what has been stated above. The Sub-Committee have mentioned this too, but their remarks seem to suggest that they confine themselves only to the public or political aspect of this privilege, and not make it co-extensive with the whole social organisation as I conceive the planned society of the future. I don't think that there would be any distinction

between public employment and private employment of the type implied in the Sub-Committee's remarks. All social work will be public. Every social post, employment or duty will be as much a public responsibility as a nominal public office today. In that vision, therefore, I cannot but emphasize that woman should have the same equal right of representing and holding any post, office or employment irrespective of any distinctions as between public or private institutions that man has.

13. It may be mentioned in this connection that what we now-a-days regard as civic rights will, for the Planning Authority, be a matter more for treating them as civic opportunities, and making those real, than merely enunciating the propositions of the type generally found in political constitutions and called the fundamental rights of citizenship.

14. As I have emphasized, the individual is to be the only basic unit of society irrespective of any association or 'family' ties, the question of the social status of woman does not present a serious problem to me. The only social status to be recognised in planned society will be that of the individual worker, or of the child who has to be the citizen and worker of tommorrow, or of the aged, disabled, defective person, who will have to be dealt with separately. The social status, therefore, which today presents the most serious question of social reform, will not, I take it, matter at all in planned society. Neither motherhood, nor wifehood, nor, *a fortiori*, widowhood, matter at all. Every requirement of all these and similar positions will be provided for in consideration or in virtue of the individual concerned being a citizen and a worker, and on no other ground. The emphasis, therefore, for example, laid in the Sub-Committee's Report upon the position of the widow seems to me to be out of place. Much more important is it to add that the sections of the Report devoted to the rights relating to property appear to me also to be relatively out of place, at least in the planned society as I envisage it.

15. I realise, of course, the present hard facts in which the entire social system is founded upon the rights of property and motivated by the desire for personal profit. In Planned Society, however, I do not think it would be possible to maintain private property and personal initiative or personal profit in anything like the degree in which it is maintained under the individualist society of today. Planning, if it is to be at all real and effective, must mean co-ordination of all effort to a given end, directed from a

common centre; and therefore, inevitably involving what is called regimentation of the citizens and of their belongings. In any such objective I believe the presence of private property and the right to personal initiative can only be a hindrance.

16. The transition from the present to the planned society, particularly in regard to property rights will, no doubt, be difficult, especially if, as assumed, the change-over is to be effected, not by a violent revolution, but by peaceful evolution. In the transition period, therefore, I accept the recommendations of the Sub-Committee for assuring the fullest scope to woman with man in regard to the right to acquire, inherit, hold and dispose of property; carry on any business and receive any fees, wages or profits for the same. The minute particulars, therefore, that the Sub-Committee have given as regards the right to inherit, bequeath and to acquire jointly with the husband any property from separate earnings or joint earnings, etc., seem to me to be somewhat irrelevant to the ultimate aim, however necessary they may be during the period of transition. I would only sound one note of warning: that we must not take any steps during the transition period on the excuse of effecting the transition as peacefully as possible, which would create enough obstacles in our way for achieving the goal of planned society hereafter. Woman holds today no property in her own right, generally speaking. If now, on the ground of passing easily over the transition period, property rights are to be given to woman, and a property consciousness is created in woman, it may become an obstacle for achieving the Plan, as other countries have found the disinherited being given property rights becoming an obstacle in the way of socialisation of forms of natural wealth subsequently.

17. This does not mean, of course, I may add, at the risk of repetition, that while the institution of private property continues I would object to woman getting her equal share. I am only guarding against a possible impediment being needlessly created in the way of achieving the planned objective in the future. But even while property rights continue, I would suggest that its perpetuation should be undermined with a view to its ultimate elimination as early as possible. I would begin by abolishing the right of inheritance, both for man and woman, and would emphasize the need for taxation of excessive possessions or earnings progressively, so as to dispense with as much of the excessive possessions and earnings as possible within a reasonable

time. After all, for carrying out many of the needs of the plan, very much larger funds than available today would have to be obtained, and even if the State does not assign to itself the full profits or surplus value from all the present sources of natural wealth, the State must, nevertheless, take steps from now onwards so that undue accumulations of property and means of purchase, which are also means of exploitation of those who do not possess such property, be progressively eliminated.

18. One of the main grounds for the maintenance of the twin institution of family and property, both closely related to one another, is, of course, the obligation to provide for the children and also for the aged. I consider, however, that both these are obligations of the community collectively which have rested upon individuals only because of the maintenance of individual property rights. But in their observance individuals have not been conscientious or altruistic, in the care of children as well as the aged quite apart from their competence or qualifications to do so. Not every woman is fit to be a mother, to be entrusted with the care of the children any more than every man is fit to be a father in that sense; still less is it true for every grown up adult to be a good nurse or guardian of the aged and the infirm. These must be treated by planned society, either as sources of new wealth for the future "child" or as means of the continuing our programme and progress; And as regards the age and the infirm, those have already made their contribution to the sum total of the social wealth, and, therefore, entitled, while they live, to a share sufficient for their maintenance in such condition as their age or infirmity may require.

19. Once these two responsibilities are taken over frankly by the State as a collective concern and not an individual liability, the foundation stone of the twin institutions of family and property will have been removed, and the institutions rendered as unnecessary as they are objectionable today.

20. There are two or three other social institutions which affect woman as woman materially today; and which will continue to affect woman as woman even in planned society if due care is not taken to guard against them. I refer in the first place to the institution of marriage and all it implies. The Sub-Committee have laid down that marriage must be a contract which must be evidenced by registration for the purpose of secular obligations arising from it; and which must be monogamous while it lasts, and which

must be incurred by the free consent of equal parties willing to live in such close association with each other. The observations of the Sub-Committee, however, in that section, might lead one to feel that the Sub-Committee have not completely dispossessed themselves of the traditional and conventional forms of this ancient institution as a sacrament and as a foundation for the family ties and relationships. I look upon marriage as an association of equal individuals binding only so long as the desire to remain associated holds. The bond must be possible to be severed the moment the desire ceases. I would, therefore, require that in the planned society the fullest freedom should be available for either of the parties to dissolve the marriage tie once the desire to remain associated in this bond disappears on either side. I do not think it is concern of the community or its organised representative, the government, to insist upon learning the reasons why the parties have ceased to like each other sufficiently to continue to live together. Divorce must, therefore, be permissible at the request of either party without any investigation into the reasons why the party seeks divorce. Any responsibility arising from the association, while it lasted must, of course, be allocated to either party in accordance with the requirements of the Civil Code governing marriage; and the State should devise the machinery to see that this responsibility allocated to either party or any party is adequately and regularly discharged.

21. In view of what has been stated above in regard to the care of children and the aged, I do not think it necessary to add any more as regards the liabilities of marriage on that account, though I would like to guard myself against the possible misunderstanding that I do not appreciate the psychological value of family affection in the upbringing of children. While any marriage lasts as a happy union, I do not see any reason why the children should be taken away from the care of their parents unless either party is disqualified for the purpose. But I would provide a safety valve lest the unavoidable maintenance of children may become a drag upon the individuals concerned, and affect their powers of contributing to common welfare by the temperamental stress and strain which such disagreeable necessities forced upon people involved.

22. A consequence of the institution of marriage, which is seldom fully appreciated in its principal light, is prostitution. I consider that phenomenon to be solely the result of economic factors, which, I trust, in planned society will



be progressively eliminated. By prostitution I mean the necessity which drives women to sell themselves for money to obtain a living. If work and, therefore, living are provided to every citizen trained and competent for it by the society collectively, I do not think there would be any necessity for any woman to drive herself to that occupation. Irregularities in the gratification of the sex instinct may remain; but that is not prostitution in the aspect in which I am concerned with it in this note. While this institution lasts, I think the prostitute ought to be assured in the fullest possible measure the civic and human rights which are today denied to her. The observation of the Sub-Committee in regard to the provision of clinics and prophylacteria do not seem to me to be sufficient for the purpose. I would insist that public clinics must be maintained freely accessible to all, where every possible safeguard, protection, or prophylactic may be freely available; so that any undesirable consequence to the health of the individual concerned may be avoided. It would be the duty of the public health insurance system under the Planning Authority to provide the hospitals and sanatoria for people suffering from any disease, whether connected with prostitution or not. The prostitute is the creation of the social system now obtaining. She is a curse, a menace, and reproach to what are known as the respectable institutions of family and marriage. I want not only to transform those institutions themselves, as indicated above, I want to dispense with any possible consequence of the type embodied in prostitution. Hence my desire to see that the causes which brought about prostitution originally are eliminated; and that while the system is in a state of transition every possible source of danger and disgrace or disability to the prostitute is guarded against.

23. Another similar incident of the institution of marriage to which the Sub-Committee have drawn attention, is the cause of the unmarried mother. Postulating as they have done equality as between man and woman, I do not see any reason why we should not emphasise that the mere fact of a child being born out of wedlock should be in the least measure a handicap upon the woman bearing such a child. The Sub-Committee have recognised the injustice of penalising the "illegitimate" child. I would not only dispense with all laws and regulations regarding legitimacy, but I would insist that the fullest possible help be assured to all children of such peoples, whether they are linked together by marriage tie or not. The parental responsibility

should in no way be reduced because of the presence of the marriage certificate or not. Nor should the liability of the State in respect of the maintenance of the children be affected in any such way. While, therefore, the institution of property, for example, continues, I would insist that the child of any individual citizen, married or not to another, must be treated as equally entitled to a share in that individual's property, earnings and other advantages. Similarly the mother also, whether she was linked by marriage or not, must be treated as having, or continuing to have the same social, economic and civic rights as before, irrespective of the fact whether she is an unmarried mother or not. I may conclude this part by adding that our conception of social morality are rapidly changing, and will have to change still more, if the ideal of planning, apparently accepted by the Sub-Committee themselves, is to be achieved. Morality would have to be on a basis of equality and not regulated in accordance with any pre-conceived notions of the place of man or of woman in society.

24. A third incident of marriage may also be noted upon in this connection. I refer to the facility for abortion of an unwanted child. The Sub-Committee have recognised the need for abortion in the case where the health of the mother requires it. I see no reason why abortion should not be permitted in public institutions properly staffed with qualified doctors and nurses for any reason that the individual concerned finds necessary for this purpose. I would particularly insist that abortion may be permitted in such public institutions. The Sub-Committee's observation with regard to the need to procure certificates of health before a valid marriage contract can be made, I entirely endorse, as also their observation with regard to the compulsory sterilisation of the individual. I also endorse their remarks about the provision of birth control clinics, though I do not think that their observations in regard to the exercise of self control are quite relevant or in accordance with the ways of the world in which we live. As, however, my main purpose is served in these regards I do not think it necessary to add any further observations.

**(Sd/-) Kapila Khandwalla.**

## APPENDIX II

### QUESTIONNAIRE FOR THE SUB-COMMITTEE ON WOMAN'S ROLE IN PLANNED ECONOMY

#### Section I.—General: Social, Economic and Legal Status:

Q. 1. To what extent, in your part of the country, (or in your community) is woman entitled to hold, acquire, inherit, sell, or dispose of property in her own right, and on her own initiative?

Are there any legal, or customary, restrictions on these rights of women in respect of property?

What efforts have been made, if any, to effect any change by legislation, or by growth of new custom, or public opinion, in these laws or usages in your part of the country, (or in your community)?

Q. 2. How far is woman entitled, and to what extent is it common for her, in your part of the country (or in your community) to carry on any trade, profession, calling, or engage in any occupation, for her own benefit, or of those dependent on her, but subject to her own independent power of control and disposal over the earnings or wages derived from such activities? Please append statistics, if you are able to furnish any, in support or clarification of your reply.

Q. 3. Are there any trades, professions, callings, occupations, or activities from which women are barred by law, custom, or the regulations of the organisations concerned with such trade, profession, calling, occupation or activity? Even if no legal or customary bar exists in these matters, are there any handicaps, imposed upon women *qua* women, as regards the carrying on of such trade, profession, calling, occupation or activity?

What steps, if any, have been taken in recent times by the State, or the women's organisations, or silent change in public opinion, to remove such handicaps, or abolish such obstacles?

Please append, if possible, a brief statement regarding such steps, or legislative and/or executive measures affecting your part of the country (or your community).

Q. 4. Would you consider it desirable that any particular trade, profession, calling, occupation, or activity,

should, for social, economic, or psychological reasons, be preferably set apart for women, without affecting the basic rights of civic equality?

The sub-joined are suggested by way of illustration, or to clear up the meaning and purpose of the question: Teaching in Elementary Schools, Nursing, Shop Assistants, Domestic service, Secretarial work, Health Inspectors, and welfare workers; Artistes in music, dancing, embroidery, sewing and knitting, fancy needlework, painting and decoration (of houses) cooks, hairdressers, beauty culturists, dress-making, tailoring and designing and etc. Please append statistics of women engaged in any of these occupations, in your part of the country (or in your community) and, if possible, the results of their work as adjudged by official, or general, opinion.

Q. 5. To what extent is any or all, of these occupations capable of organisation, so as adequately and effectively to protect and safeguard the rights of the women engaged in such activities, *vis-a-vis* their employers, or society in general, and in respect of their earnings, from such occupations, and the terms and conditions of their work and employment in the same?

Have any efforts been made, in your part of the country (or in your community) to organise women workers in these and other occupations for the purposes mentioned above: and if any have been made, will you please add a brief summary descriptive of the same, together with an estimate of the success attending such efforts?

Q. 6. How far, in your opinion, is it desirable, on general grounds, to organise women workers engaged in economic activities, and to what extent is it feasible?

What are the main difficulties, arising particularly from women themselves, in the way of such organising of women workers? How would you seek to overcome those difficulties?

Q. 7. Would you consider any particular type of employment as specially undesirable for women, or in which, even if women be allowed to seek employment, special, precautionary measures may have to be adopted to safeguard their health, person, or to protect them, adequately in any of the common incidents of women's life?

The following are suggested by way of illustration only: Defence services, particularly those connected with active operations in war time, and armaments industries; mining; occupations involving night work away from

home, (e.g., daily newspaper work, film production or acting in general); other occupations requiring women employees to work in isolation, or with men colleagues only (e.g. office secretaries).

Short of prohibiting such occupations to women seeking and qualified for such employment, what measures would you suggest for affording adequate protection to women workers in such occupations?

Are there any other occupations needing similar regulation, protection, or safeguarding of women workers engaged in them?

Q. 8. How far are duly qualified women in your part of the country (or in your community) prevented or handicapped from joining any of the organised Public Services in the country whether under the Government of India (e.g., the Indian Civil Service), or Provincial (and State) Governments, or Local Governing bodies like Municipalities, Statutory Corporations, and the like? What steps would you suggest to overcome such handicaps, or remove such bars?

Q. 9. Are there any difficulties, or handicaps, in the way of women seeking any employment, requiring considerable previous training or equipment for, the same, to obtain such training and equipment in an adequate degree and reasonably easy manner? How far is it possible to obviate such difficulties by organised action of the community?

Q. 10. How far is it desirable, for the purpose of providing adequate training to women seeking employment in occupations requiring a considerable degree of previous training, to afford it in institutions common and equally accessible to both men and women aspirants of such occupations? What are the objections to, or difficulties in the way of, setting up separate institutions for the training of men and women for the same type of work? How would you remedy such handicaps?

Q. 11. Would you, as a partial alternative to the preceding, provide specialised instruction or training, preferably meant for women, with special reference to occupations referred to in Q. 4 above?

Q. 12. How far is it proper and desirable to respect any social custom or usage, (for example, seclusion of women), which would militate against the full equality of woman as a citizen with man?

Pending the reconstruction of society which planning necessarily implies, and the reorientation of public opinion which follows in consequence, what measures would you suggest should be adopted to circumvent such deleterious customs and usages, without alienating mass opinion to such an extent as to render the achievement of the ultimate objective impracticable in the near future?

Q. 13. For women engaged in productive occupations, (i.e., for work in which they are entitled to receive some definite return) would you insist upon the principle that for equal work there should be equal pay irrespective of sex differences between workers?

Q. 14. Are there any consequences, within your knowledge, which might be considered as both unexpected and undesirable, of securing for women a right to work equally with men, the same opportunities, training, and earnings for the same occupation, in which woman engages as much as man? What are those consequences? How would you seek to avoid or minimise those consequences?

Q. 15. To what extent, and in what manner, would you consider the attainment of an equality of civil rights and opportunities as between men and women, and the attainment of a democratic system, likely to result in the creation of new problems regarding the status and relationship of woman to her fellows in a planned system of democratic and egalitarian society? How far do you think it possible to devise means in advance to cope with this eventuality, if and when it arises?

## **Section II.—Family Life and Relationships**

Q. 16. What is the position of woman, in your part of the country (or in your community) as a daughter, whether a minor or of the stated legal age for full civil rights, wife, mother, widowed or not, divorced or deserted, in a family, in respect of

- (a) the rights to family property or business, including the rights of use and ownership, inheritance and succession;
- (b) conduct of family life and control of family expenditure, as well as contribution to the family budget;
- (c) education, discipline and upbringing of the children in the family, and their settlement in life and work?

Are there any special handicaps, peculiar to woman as such, which militate against woman having full opportunity for self-expression and fulfilment in the normal life of the family? How would you suggest remedying these handicaps?

Q. 17. How far is it customary, and desirable, to recognise the value of woman's work in the family in some concrete form,—not necessarily in the shape of money return?

Would you consider it desirable to institute the system of community ownership and control of their property as between husband and wife, including the earnings of either? Please state the reasons for your opinion.

(N.B.—Such a system, if adopted, would, it is important to note, be nothing more than a modification, though in a modified form, of the very common Indian Institute of the Joint Family—the modification only consisting in the extension of the rights of members of joint families to women,—as wife or mother).

Q. 18. So long as the regime of individual private property remains, what steps would you advocate to secure to woman equal rights of inheritance and succession?

If you desire to maintain the integrity of a certain minimum amount of family property (e.g., an economic holding), and at the same time wish to secure an equal share of the family property or business to the women members of the family along with the men, how would you reorganise the social system so as to achieve these double objectives?

Q. 19. How far, in your part of the country (or in your community) the institution of the Joint Family persists? What are its reactions upon the women members of that organisation, in respect of property, business and social activities?

What are the occasions or circumstances which lead to the gradual break-up of the Joint Family, and what are its reactions upon the position of women?

Have any efforts been made, by law, custom or public opinion to modify this institution in so far as it is prevalent amongst you?

Give your own views, please, as to the desirability of maintaining, intact, or with modifications, the institution of the joint family.

Q. 20. To what extent, or in what way, is it desirable, in your opinion, to treat the Family as an economic unit, so as to justify the computation of unit incomes in a

planned society on the basis of such a composit unit? What repercussions do you anticipate upon the position and earnings of women from such a practice, if adopted?

Q. 21. Is it desirable, or necessary, in your opinion, to maintain the Family as a social unit, so as to facilitate the provision of social security or Insurance against all contingencies of an average working life, on a family basis? How far does the Joint Family system of today discharge the functions of a Mutual Aid Society, or a Co-operative association of equal partners in all activities of life?

Q. 22. Could you mention any invisible, but not inconsiderable, reactions or consequences of the Joint Family, which have a special bearing upon the daily life of the women in the family, particularly the married ones, with husbands alive? Are these consequences desirable, in your opinion? If so, how would you seek to maintain them, even should the Joint Family be replaced by individual units?

Q. 23. How far is the maintenance of the Joint and perpetual Family organisation incompatible with the introduction and working of a rationalised system of taxation, with special reference to Income Taxes, Death Duties, Estate Duties and Succession Duties?

Would taxation of this kind have the same importance in a society organised according to Plan, as envisaged in the pronouncements of the Chairman of the National Planning Committee? How would woman be affected as a Taxpayer whether as a member of a family, any other unit, or as an individual?

Q. 24. How far, do you consider, the maintenance of the Family as a social unit conducive to the sound education and proper upbringing of children, the future citizens of the land? To what extent would you desire the mother's influence and contribution in the education and upbringing of the children to be effective and substantial? What steps would you suggest for the realisation of your ideals in this behalf?

Q. 25. Would you consider it desirable and necessary to enact some kind of a **Charter of Children's Rights**, whether living in a particular family, or orphaned and living without any family of their own? If so, what are the particular points you would stress should be included in such a Charter? What legislation is already available on this subject, and what amendments would you suggest therein?



**Section III.—Marriage, Maternity, and Succession**

Q. 26. How far does the institution of Marriage, in your part of the country (or in your community) partake of the nature of

- (a) a religious sacrament; or
- (b) a civil contract; or
- (c) an economic partnership, co-operative association for mutual aid and insurance, including comradeship.

Please mention the common incidents of this institution with special reference to their reaction upon woman.

Q. 27. To what extent does the custom of Polygamy, Polyandry, **Sambandham**, Concubinage, as modifications or complications of the institution of Marriage, occur in your part of the country (or in your community)? Have any steps been taken, by law, usage, or public opinion, to modify these peculiarities of the institution of marriage in your part of the country (or in your community)?

Q. 28. How far would it be correct, or justifiable, to say that woman has the same or equal rights in regard to the conclusion of the marriage contract, or the undertaking of the sacrament of marriage, with special reference to the continuation and maintenance of marital rights and union, the restitution of such rights in the event of any infringement thereof, dissolution of annulment of the association of the burdens in respect of the consequences of marriage in the event of its dissolution?

What amendment, or reform, of the existing law, custom or usage on the subject would you advocate to secure a practical equality of rights and obligations, regarding woman in, during and after marriage, as well as on its dissolution?

Q. 29. How far does the institution of compulsory and life-long **Widowhood** prevail in your part of the country (or in your community)? What are the rights or disabilities of a widow?

Q. 30. Would you consider it desirable, and necessary, for social, economic, or psychological reasons, to facilitate the **remarriage of widows**, —if necessary by specific enactment, in the same manner that the institution of Satee or Infanticide have been abolished by the positive command of the sovereign for the time being?

Do you consider that marriage as it now prevails will by itself solve the problem of the life-long widow? Or

would you suggest that woman irrespective of her civil condition (i.e. whether married, widowed, or spinster) should receive training, equipment and opportunity to fit her for self-expression and self-fulfilment independently of marriage, should she so choose?

Can you supply any factual information regarding the attitude of modern youth towards the institution of conventional marriage? How would this institution be rationalised?

Q. 31. How would you provide for the useful economic employment of widows in your conception of a planned society? Would the temporary reservation of certain occupations, particularly suitable for woman,—e.g., Teaching or Nursing,—serve the turn? Please give statistics of enforced and life-long widows in your part of the country, classifying them, if possible, in convenient age-groups, and according to their educational qualifications, or technical training.

Q. 32. How far is the custom of early marriage, and its premature consummation, prevalent in your part of the country (or in your community)? Could you give any statistics of the age at marriage (or cohabitation of men and women) in your part of the country (or in your community) together with such incidents and consequences of married life, as the number of children born, and those surviving, the size of family income, the state of health as evidenced by the rate of mortality among women and children, and the like? What steps would you adopt for the remedying of this evil?

Q. 33. How far is marriage a matter of personal choice,—or one of convenient arrangement by others on behalf of the marrying parties,—in your part of the country (or in your community)?

Are there any features of an economic nature particularly associated with this transaction, e.g., offer of dowries, bride-price, etc., which you consider to be unfair and onerous for women, or likely to militate against the possibility of a happy association of the partners in marriage?

Q. 34. What steps do you consider to be essential for the rationalisation of the institution of marriage in India in due conformity to the main features of planned development and systematic advance, in India? And with due regard to the interests of the children, as well as of the marrying parties themselves, their mutual comradeship, property,

occupations, earnings, interests and associates, including all reasonable demands of the individual's right to self-expression and self-fulfilment, notwithstanding the limitations on obligations of the married life?

Q. 35. Are there, in your view, any particular incidents of marriage and the association of man and woman following thereon,—e.g., transmissible disease resulting from marriage, or certain heritable tendencies or characteristics of either partner to the marriage tie, or abnormal desire or the lack of it,—which may militate against a continued happy married life, and ought consequently to be remedied? How would you proceed to concert and apply remedial measures in such cases?

Q. 36. Would you support the principle and practice of:—

- (a) Sterilisation of the unfit or incurably diseased;
- (b) Abortion of the unwanted embryo;
- (c) Compulsory dissolution of marriage on the occurrence of permanent lunacy in either partner, or conviction for certain specified crimes against the happiness, cleanliness or decency of married life, contracting certain disease, continued desertion for a given length of time, or other sufficient reason.

Q. 37. How would you provide for the maintenance and upbringing of the children of such marriage in the event of its dissolution, and the disruption of the Family?

Q. 38. Do you consider the deliberate limitation of the size of each family, with careful spacing between births of successive children, and with due regard to the economics of family life as well as the demands of national eugenics, as a commendable practice? Could you please supply any statistics or other factual information about the methods now employed—indigenous or otherwise—to achieve this purpose, and their reaction upon the physical and psychological make-up of woman? If so, what measures would you advocate to facilitate this practice, particularly amongst the less educated, or the less well to do sections of the community? Can you mention any custom which automatically brought about suitable spacing between births?

Q. 39. If you consider the practice mentioned in the preceding question as both necessary and desirable, in the interests of the individual woman, the family and the community, would you consider the advisability of making a suitable representation in that behalf to the appropriate sub-committees of the National Planning Committee, e.g.,

the sub-committee on National Health, Manufacturing Industries, or that concerned with the production and supply of the instruments and apparatus needed in this regard,—so as to make those bodies take due notice of the problem, and offer their considered aid in solving it?

Q. 40. Are there any other features, incidents, characteristics, consequences or reactions of the institution of marriage, courtship and married life, peculiar to your part of the country, (or in your community) which, in your opinion, needs to be particularly attended to at the time of preparing a comprehensive plan for the entire National life, both in its material and its cultural aspect? Please offer your comments, if any.

#### **Section IV.—Conditions of industrial employment for women**

Q. 41. How far do you consider the employment of women in modern, mechanised, large-scale (and impersonal) industry compatible with the natural temperament and acquired habits and training, as well as with the social and economic needs of the community?

Q. 42. Would you consider or impose any restrictions or conditions on the employment of women, directly or indirectly in modern large-scale and mechanised industry—with special reference to her hours of work, scale of wages, mode and time of their payment, conditions of healthful work in properly lighted and ventilated work-rooms with adequate sanitary arrangements etc.?

Do you consider it likely that the existence of any such restrictions or conditions might militate against woman finding employment in such directions? If so, how would you guard against that contingency?

What amendments would you suggest in any existing legislation on this point?

Q. 43. What precautions would you suggest be adopted for the safety and health of the women employed in certain specified occupations, e.g., mining, or tailoring in large scale establishments, or confectionary establishments, or newspapers?

Q. 44. What particular measures would you suggest for safeguarding the rights as well as the person of working women, in large-scale establishments, with special reference to the prevalence of the custom of employing "contract" labour, or the payment of wages or any part thereof

in kind, or compulsory purchase of household necessities at Truck shops maintained by the employer; or irregular dismissals, punishments, or other hardships of such employment?

Q. 45. To what extent is the system of "serfdom", indentured labour, or contract labour, prevalent in your part of the country? Please give statistics, if possible, of the extent to which such practice obtain, and affect woman employees. What steps would you suggest for counteracting such practices?

Q. 46. How far has woman in your part of the country (or in your community) sought employment in commercial establishments, e.g., hotels and restaurants, business houses, retail shops or stores for cloth, foodstuffs, vegetables, and other household requirements?

Could you provide any statistics relating to such employment of women in your part of the country (or in your community)?

Would you suggest any special form of protection needed to safeguard the interest of women so employed?

Q. 47. To what extent do women find employment sufficient to eke out their family budget in cottage industries in your part of the country (or in your community) [N.B.—Cottage Industry may be defined as an industry which does not employ power-driven mechanical aid beyond a 10 H.P. engine, or one which does not come under the Factory Acts, or one which does not employ outside labour.] How far can women so employed make a reasonable income out of such employment?

What are the handicaps or difficulties for the successful prosecution of such occupations by women, and how would you propose to remedy the same? Please append any statistics that you may have collected in answering this question, and relating to your part of the country (or your community)?

Q. 48. How far is organised regular domestic service available for women, away from their own families, in your part of the country (or in your community)? What are the terms of employment and conditions of work for such women employees in domestic service, or analogous work (e.g. as cooks or waiters in hotels, boarding houses, private homes)?

Are there any problems or special difficulties in connection with such work? What remedy would you suggest?

Q. 49. How far does recognised custom, or common usage permit woman, in your part of the country (or in your community) to engage in retail shop-keeping, hawking, or any such part-time employment to add to the domestic budget? Could you please supply any statistics relating to women in such part-time or subsidiary occupations, including their numbers, earnings, hours and conditions of work, if possible?

Q. 50. Would you recognise the work of women in the season on their family land as a distinct economic category deserving a special recognition? How far is such work done by women in your part of the country (or by women of your community)?

To what extent do the prevailing social customs and usages (e.g. purdah, early marriage and etc.) encourage or handicap such work by women? Would you advocate any definite and systematic recognition of such work in the account-keeping of the planned society?

#### **Section V.—Deleterious Social Customs acting as hindrance to Woman**

Q. 51. Are there any customs, usages, or legal obligations, which impede women utilising their time, skill and energy for productive work in any channel? Please describe and explain those customs.

Q. 52. In what way does the practice of secluding women react upon their health, education, mental development, economic position? What methods would you adopt to counteract the force of such a custom?

Q. 53. Is early marriage, and premature motherhood, a common feature of society in your part of the country (or in your community)? Please supply, if possible, statistics to indicate the extent of the prevalence of this custom, and its consequences, if you can avail yourself of any concrete means of measurement in connection with such phenomena.

Q. 54. What is the rate of mortality, in your part of the country (or in your community) among women, distinguishing them by quinquennial age groups, and classifying them according to their civil conditions, i.e., married, widowed, or unmarried? Can you assign any specific explanation for this state of things? If so, would you suggest remedies for the same?

Q. 55. Are there any other customs or institutions, in your part of the country (or in your community) which affect the place of woman in the social system prejudicially, and prevent her fully realising herself in work and living suited to her natural and acquired qualities of the mind and the body? What would you suggest as remedies of such handicaps?

## **Section VI.—Types and Methods of Appropriate Education**

Q. 56. What provision has been made, or facilities available, in your part of the country (or in your community) for the appropriate education and training of women for the several kinds of work and employment women of different capacities may need to engage in? Please add, if possible, statistics relating to your part of the country (or your community) on this point.

What provisions would you suggest for ensuring the physical fitness of woman, and her recreation and amusement during hours of leisure?

Q. 57. What are the numbers of girls and women, in your part of the country, (or your community) receiving elementary education, secondary or specialised instruction, technical training, practical experience, and vocational education of a higher order in the Universities, or other research and specialised institutions? How do these numbers compare with the corresponding numbers of boys and men, in respect of the aggregate population, and in comparison with other States, Provinces, or countries?

To what extent do any such vices as drunkenness, gambling of all sorts, or addiction to drugs prevail amongst women in your part of the country (or in your community)? Please supply statistics, if any. What ways would you suggest for the removal of such tendencies?

Q. 58. Are there any difficulties, handicaps, or obstacles peculiar to women, in your part of the country, (or in your community) which impede or prevent the progress of education and training of women due to physical reasons such as distance, economic considerations, social customs, or personal disabilities? If so, what steps have so far been taken to obviate or remedy these difficulties, obstacles, or hindrances? What further steps would you suggest in the same direction, and with the same purpose in view?

Q. 59. To what extent is it desirable to provide separate educational institutions, particularly in the higher

stages of education and specialised training, to facilitate and advance the spread of education, among women, to provide distinctive, if not exclusive, courses of training for women, and to afford special facilities, particularly to women of certain classes or communities, so as to make up the leeway in education among that section of the population, and in order also to counteract the force of social customs, and economic difficulties?

How would you suggest should the financial problem of providing such separate institutions and specialised training for women particularly, if not exclusively, be solved?

Q. 60. In the courses or schemes of education generally designed for women, particularly with a view to make women competent housewives and effective citizens in a democratic state, what special subjects, or methods of treatment, would you consider essential for assuring woman her proper role in the planned economy of this country? What are the facilities now available in your part of the country, (or in your community), for co-education of boys and girls in the same subjects and institutions? How far do you consider it desirable to extend these facilities, with special reference to the reaction of such co-education upon the place of woman in the new planned society?

## **Section VII.—Miscellaneous Problems Concerning Women**

Q. 61. How far, in your opinion or experience, has the principle of Nationality, citizenship or domicile created disabilities for women in India,—particularly those married to Indians though themselves belonging to a non-Indian nationality, or as between the different jurisdictions in this country? What are those disabilities?

How far are they due to peculiar features of Indian laws regarding Nationality and Naturalisation; and how far do they arise from the corresponding peculiarities of other countries' Laws? What remedies would you suggest to obviate or minimise these difficulties?

(N. B.—Please consider, in this connection, the suggestions made by the League of Nations Committee on this subject.)

Q. 62. To what extent is the existence of the Caste system in your part of country (or in your community) operating as a handicap or disability on woman, with special reference to choice in marriage, or association with co-workers in particular branches of work?



How far does the Caste system, in so far as it operates effectively today, hinder the progressive emancipation of woman from her traditional bondage?

• Q. 63. Has the evolution of new classes, due to economic differences between the different divisions or groups in the community, created additional or new disabilities, handicaps, or facilities for woman for self-expression and self-fulfilment in a larger measure than was possible under the existing regime? Please suggest remedial measures in regard to these difficulties or handicaps, and means to intensify the action of the new facilities, if any.

Q. 64. In what way would the reconstruction of the social system, as a result of the Planned Programme of National Development, on the basis of:—

- (a) co-operative organisation of society; or
  - (b) socialised organisation of society; or
  - (c) unrestricted individualist organisation,
- affect the position of woman in the community, the opportunities of work and service for her?

Q. 65. Having considered and provided for Woman's social security and personal independence, as far as compatible with the Planned Economy herein envisaged, if there still remain any number of women,—aged, disabled or otherwise incapacitated from work,—what provision would you suggest be made for their maintenance in a reasonable degree of comfort?

[N.B.—The Planned society would, ordinarily, have no room for paupers, because there would be no occasion for pauperism.]

Q. 66. Having considered and provided every possible opportunity and means for work, with due return, and adequate preparation or qualification for such work, or the assigned place in the planned economy for women in general, should there still survive any section of the sex devoted to an indiscriminate sale of their person for monetary consideration? What steps would you suggest for any restraint of this tendency, and why?

Q. 67. How far do you consider it practicable to abolish, in a planned regime, professional prostitution of women altogether?

How would you control, regulate, and seek to minimise the extent and consequences of this activity of women under a capitalistic organisation of society, during the period that that organisation continues, notwithstanding

every effort to implement a planned system of society in this country?

Q. 68. To what extent is amateur prostitution, or a tendency to indiscriminate gratification of the sex urge, inevitable even under a fully planned social system? What consequences of an undesirable nature do you apprehend from this and how would it concern or react upon the ideal of individual liberty in personal matters? What steps would you advocate for proper restriction of this tendency, if you consider it necessary and desirable to restrict it?

Q. 69. Could you give any idea of the extent to which the *crime passionel* prevails in your part of the country (or in your community, from statistics of police courts, or welfare workers)? What are the principal causes of incidents of such crimes, generally speaking? How would you suggest the possibility of such crimes be minimised? To what other dangers is woman particularly exposed, and how should they be guarded against?

Q. 70. During the period of transition between the present regime, and its replacement by a planned social system, what measures would you advocate for the due protection of woman's personal dignity and individual liberty; her social security and opportunity for self-expression in an ever increasing degree; and effective control, supervision, and restraint of such tendencies, or activities (e.g. prostitution), as are calculated to affect injuriously woman's personal dignity, and produce undesirable consequences to the community at large?

## SUMMARY OF DEVELOPMENTS

Rapid and far reaching developments have taken place in Woman's social, political and economic position in this country in the last quarter of a century. The principal force was the association of women in the several Satyagraha Movements started by Mahatma Gandhi since 1920; but factors, like the successful suffragette fight for the Vote by the Women of Britain and America and spread of education amongst women, must also be regarded as important contributory elements. The consciousness of Women as an individual, as a member of society, and as a political entity, is relatively a new phenomenon in this country. But it has been intensively stimulated by the forces just mentioned. The realisation too, by the country as a whole fighting for their political freedom and economic independence that the struggle cannot be a success if half the community was suppressed and denied all equality, while the other half continued to fight for recognition, was helpful. Finally, Woman had begun to organise herself in nation-wide bodies, like the All-India Woman's Conference to put forward a steadily widening list of demands for political, social and economic recognition, which has ultimately culminated in the demand for a Woman's Charter of Rights and Responsibilities.

Political recognition of Woman in India has come much earlier, perhaps, though gradually, than in some Western countries. The Vote, however, and Seats in the Legislature are only an instrument for accomplishing a general amelioration of the position which as the real goal has, by no means, been lost sight of by the organised Womanhood of India. The fact, moreover, that for a long time after the commencement of Woman organising on a nation-wide basis, those Organisations were practically united in their struggle for woman's emancipation and recognition as an equal, irrespective of differences of community, class or religion, added further strength to their demands. Economic emancipation and social equality have perhaps yet to be achieved. The Report of the Sub-Committee is a comprehensive survey of Woman's disabilities, and recommends specific improvements in all the fields in which substantial

progress has been made in the seven or eight years that have elapsed since this Report was drafted.

The most outstanding development in recent years in regard to the status and function of Woman in modern society is the formation of the United Nations Organisation, and the Charter promulgated by that Body. That Charter asserts the essential, unmitigated, unquestioning equality of all classes and sexes. It is not merely a theoretical enunciation, but has to be implemented by all those countries which are Members of the United Nations Organisation, and who have pledged themselves to carry out the terms of the Charter.

India is a Member of the United Nations Organisation. She has accepted the Charter, and pledged herself to carry out its terms to the best of her ability, so as to make them a reality in everyday life. The political changes recently occurring in this country have also given a new impetus to this radical transformation in the status and role of woman in the national life.

Mrs. Hansa Mehta, speaking as President of the All-India Women's Conference at a recent Session, summarised the objective of the Women's Movement in India as follows:—

“Firstly, we stand for the freedom of woman and equality with man. Equality is not, however, to mean identity, but equality of opportunity. A woman is as much a human being as man is. If freedom and equality are the basis of human development, woman must be entitled to share them with man. There should be no disability of one sex over the other and no exploitation of one by the other. This idea should form the basis of the charter. It is gratifying to note that the preamble of the charter signed at San Francisco by the United Nations, which includes India, accepts this position of equality between man and woman. As an individual, woman shall enjoy all the rights of, and shall be required to perform all the duties of, a citizen, whether these rights are political, civil or economic. The state shall recognise the individual as the unit of society and not the family. Woman shall therefore be enfranchised in her own right and not as in relation to man. The present basis of franchise, which gives the woman the right to vote as a wife of a man with a certain in-

come, violates this principle and cannot be accepted by us. We must reaffirm our demand for adult suffrage as the only way to enfranchise a larger number of women to four men while the population ratio than we have today, which is one woman is almost fifty fifty. Women should be associated more and more with the administration of the country if they are competent to do so."

The Rights of Woman as envisaged in this pronouncement of equality of opportunity and treatment in education, in health, in occupation, and as regards the ownership of property and inheritance, have been considerably enhanced by legislative and administrative action taken in the last few years. That, however, has not yet brought Woman to her ultimate goal. The intensity of her struggle still focusses round the social status in the three aspects of family, property and marriage. Though the legal status in all these respects is, technically, more liberal in the principal Minority Communities of India, like the Muslims, Christians or Parsis, the influence of the overwhelming majority of the Hindus and their customs, conventions or laws inevitably colours, as the Report of the Sub-Committee shows, in more than once place, the corresponding position in other communities, e.g. in regard to the Muslim Woman's right to divorce.

Attempts had been made in the past, even while the Sub-Committee was considering its Reference, to make piecemeal reforms in all these respects by Special Marriage Acts, or in regard to property and inheritance. About the time, however, that the Sub-Committee began its deliberations, the consciousness had grown fairly wide that without an all-round attempt at reforming the Hindu Code and re-casting the Social System, the demands of Woman would not be satisfied. A Hindu Law Reform Committee,— the so-called Rau Committee—was accordingly set up to revise and codify the entire System. After long deliberations, the Committee drafted two Bills dealing with the position of Woman in intestate succession and in regard to Marriage, which have yet to be enacted. The Report when considered by the Central Legislature in 1944 was referred back to the same Committee, with a much wider scope than was originally given.

The Committee began its work afresh in 1944-45, touring the whole country, and collecting as well as crystallising public opinion on most of the issues embodied in their

draft Bills as well as on the general revision of Hindu Law. Their deliberations have resulted in a new draft code, divided into six parts, concerning intestate or testamentary succession and matters arising therefrom, like maintenance; marriage and divorce, minority and guardianship; and adoption. The main changes proposed by the new Code give the daughters a share in the prosperity of the fathers, and wives as well as daughters are given absolute control of such property as constitutes their inheritance. As regards marriage, though both the sacramental and contractual character is recognised, the Code proposes not to recognise a marriage if another spouse is living so that monogamy is indirectly introduced in the Hindu Social System. Divorce is an innovation, but this facility is available only on limited grounds. The point, however, in Woman's demand, may be said to have been met inasmuch as these grounds are identical for both wife and husband.

The Constituent Assembly, established and functioning as part of the political changes now occurring in this country, had, in accordance with one of its earliest obligations, appointed a Minorities Advisory Committee, to consider Rights of Minorities as well as the Fundamental Rights of Citizens through a Sub-Committee. The Sub-Committee has presented its Report, and many of the recommendations made by it, have been endorsed by the Constituent Assembly. It may consequently be assumed that they would be enacted into law, and become essential and integral part of the country's Constitution, which it would not be possible for any administrative authority to violate or for any ordinary Legislation to modify or infringe upon. For any alteration in these Rights, the Constitution itself will have to be changed; special jurisdiction has been vested in the Supreme Court of the country to uphold these Rights.

Woman is the largest beneficiary under the new Constitution. Her status and work will receive recognition, which, throughout the pages of Indian history, had been practically, if not theoretically, denied to her. Not only will the new Constitution of a Democratic Sovereign Republic of India be based upon Adult Franchise, regardless of property or status qualifications, in which Woman will have the same right of voting as man and the same eligibility to any place of power or authority. Following the same course of evolution, the moment a comprehensive Plan of National Development is prepared and put into execution, Woman will receive full recognition of her position in the Social

System, and return for work she is called upon to do. The Social Order of the future will be based on the individual as the primary unit; and individuals will be treated as equal *inter se*. Accordingly much of the hardships, due to Woman's position in the Family and relationship to other members, will progressively diminish.

This happy result has been achieved by the growing consciousness among women and the increasing demands of numerous Organisations putting forward her claims in no uncertain or ambiguous terms. In the latest developments of a personal kind the appointment of women representatives to International Bodies, as also to the highest post in the country's Diplomatic Service or Political Office in the country cannot escape notice. The instances may be comparatively few but they emphasize the change of atmosphere and outlook in which the New India will have to function. The growth of numbers of women in all occupations and equal recognition of her work at Home, in the field or the Factory will inevitably be a consequence which will only await realisation while a comprehensive National Plan is being prepared and is being executed.

Besides this measure of world-wide importance accepted by all members of the United Nations Organisation, there have been sweeping developments in India also in regard to her own particular problem as regards the role of women in planned society.

The Hindu Law Reform Committee appointed almost at the same time that the National Planning Committee starts its work, has submitted its report. It recommends very considerable changes in the position of Woman as member of the family, in respect of her rights to property and inheritance, and also as regards marriage and divorce. The transformation of marriage from a Sacrament into a Civil Contract is progressing; and in certain provinces Legislation has been enacted to make marriage a monogamous Civil Contract as recommended by the National Planning Committee.

A beginning has also been made in regard to the system of social security of industrial workers, including maternity benefit for women workers, though the effect of that Legislation would be confined to a very small section of the workers of India. The highest appointments in the State, including Ministers and Ambassadors being thrown open to women, in the consequence and concomitance of the New Constitution, which will soon come into operation, will make

the position of the Woman on a par with Man, in theory as well as in actual life.

It has been said that the purpose of Civilisation, in the best sense of the term, is not to ensure the survival of the fittest, but rather that of the weakest. The aim of social organisation, on the basis of mutual aid and co-operation in a Planned Economy, must inevitably be to secure social justice and fair play to all members of the body politic; and so to counteract the disabilities of birth, race, creed or caste, age or sex militating against any individual realising the purpose of his being. The measures and developments recounted above undoubtedly tend in that direction. With the fuller realisation, which is inevitable when people become the sole charge of their destinies, the injustice, handicaps and disabilities of Woman in India will be finally abolished; and the Indian community made really free to achieve their destiny in an organised co-operative manner.





